



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शनिवार, 5 मार्च, 2011/14 फाल्गुन, 1932

हिमाचल प्रदेश सरकार
बहुउद्देशीय परियोजनाएँ एवं विद्युत विभाग
अधिसूचना

दिनांक 01 मार्च, 2011

संख्या: विद्युत.-छ-(5)-53/2010.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश विद्युत निगम लिमिटेड, जोकि भू-अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा-3 के खण्ड (सी.सी.) के अन्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन हेतु नामतः गाँव भटोलीकलां, तहसील बददी, जिला सोलन, हि0प्र0 में 220 के0 वी0 ट्रांसमिशन लाईन का टावर लगाने हेतु भूमि अर्जित करनी अपेक्षित है, अतएव: एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा-6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु घोषणा की जाती है और उक्त अधिनियम की धारा-7 के उपबन्धों के अधीन भू अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विद्युत परिषद् लिमिटेड, उत्तम भवन, शिमला-4 को उक्त भूमि के अर्जन के लिए आदेश लेने का एतद्वारा निर्देश दिया जाता है।

3. इसके अतिरिक्त उक्त अधिनियम की धारा-17 की उप धारा-1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश के राज्यपाल यह निर्देश देते हैं कि अति आवश्यक मामला होने के कारण भूमि अर्जन समाहर्ता, हिमाचल प्रदेश हिमाचल प्रदेश राज्य विद्युत परिषद् लिमिटेड, उत्तम भवन, शिमला-4 उक्त अधिनियम की धारा-9 की उप धारा-1 के अधीन नोटिस के प्रकाशन के 15 दिन की अवधि समाप्त होने पर पंचाट देने से पूर्व भूमि का कब्जा ले सकते हैं।

4. भूमि के रेखांक का निरीक्षण कार्यालय भू-अर्जन समाहर्ता, हिमाचल प्रदेश हिमाचल प्रदेश राज्य विद्युत परिषद् लिमिटेड, उत्तम भवन, शिमला-4 में किया जा सकता है।

विवरणी

जिला	तहसील	ग्राम	खसरा नं०	रकबा (बीघो) में
सोलन	बद्दी	भटोलीकलां	1652 / 1	00-08-09
			कुल कित्ता- 1	कुल रकबा- 00-08-09

आदेश द्वारा,
हस्ताक्षरित
प्रधान सचिव विद्युत।

बहुउद्देशीय परियोजनाएँ एवं विद्युत विभाग

अधिसूचना

तारीख: 04 मार्च, 2011

संख्या: विद्युत.-छ-(5)-55/2009.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत परिषद् लिमिटेड, जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा-3 के खण्ड (सी.सी.) के अन्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन हेतु नामतः मुहाल भटोलीकलां, तहसील बद्दी, जिला सोलन, हि०प्र० में 66 के०वी० संचार लाईन under deposit work “Supply of power to industrial area HIMUDA Bhatolikalan-Baddi” जिला सोलन के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है, अतएव: एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा-6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु घोषणा की जाती है और उक्त अधिनियम की धारा-7 के उपबन्धों के अधीन भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विद्युत परिषद् लिमिटेड, उत्तम भवन, शिमला-4 को उक्त भूमि के अर्जन के लिए आदेश लेने का एतद्वारा निर्देश दिया जाता है।

3. इसके अतिरिक्त उक्त अधिनियम की धारा-17 की उप धारा-1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश के राज्यपाल यह निर्देश देते हैं कि अति आवश्यक मामला होने के कारण भूमि अर्जन

समाहर्ता, हिमाचल प्रदेश राज्य विद्युत परिषद् लिमिटेड, उत्तम भवन, शिमला-4 उक्त अधिनियम की धारा-9 की उप धारा-1 के अधीन नोटिस के प्रकाशन के 15 दिन की अवधि समाप्त होने पर पंचाट देने से पूर्व भूमि का कब्जा ले सकते हैं।

4. भूमि के रेखांक का निरीक्षण कार्यालय भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विद्युत परिषद् लिमिटेड, उत्तम भवन, शिमला-4 में किया जा सकता है।

विवरणी

जिला	तहसील	गांव	खसरा नम्बर	रकवा (बीघों में)
सोलन	बद्दी	भटोलीकलां	171 / 1	0—4
			131—1	0—4
			144 / 1	0—4
		काठा	242 / 1	0—4

आदेश द्वारा,
हस्ताक्षरित /—
प्रधान सचिव, विद्युत।

पंचायती राज विभाग

अधिसूचना

शिमला-171009, 1 मार्च, 2011

संख्या-पी.सी.एच.-एच.ए.(1)4 / 2006-III.—हिमाचल प्रदेश की राज्यपाल, हिमाचल प्रदेश पंचायती राज अधिनियम, 1994 (1994 का अधिनियम संख्यांक 4) की धारा 97-ग, 97-च, 97-छ, 97-ज और 97-झ के साथ पठित धारा 186 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के प्रयोजनों को कार्यान्वित करने के लिए निम्नलिखित नियम बनाने का प्रस्ताव करती हैं और इन्हें जनसाधारण की सूचना के लिए, राजपत्र, हिमाचल प्रदेश में एतद्वारा प्रकाशित किया जाता है;

इन प्रारूप नियमों द्वारा सम्भाव्य प्रभावित कोई व्यक्ति, उक्त नियमों की बाबत यदि कोई, आक्षेप(पों) या सुझाव(वों) देना चाहे, तो वह उसे/उन्हें इन प्रारूप नियमों के राजपत्र, हिमाचल प्रदेश में प्रकाशन की तारीख से दस दिन की अवधि के भीतर निदेशक, पंचायती राज, हिमाचल प्रदेश, एस.डी.ए. कम्पलेक्स, ब्लॉक नम्बर 27, कसुम्पटी, शिमला-171009 को भेज सकेगा;

उपरोक्त विनिर्दिष्ट अवधि के भीतर प्राप्त हुए आक्षेप(पों) या सुझाव(वों), यदि कोई है/(हैं), पर इन नियमों को अन्तिम रूप देने से पूर्व राज्य सरकार द्वारा विचार किया जाएगा, अर्थात्:-

प्रारूप नियम

1. **संक्षिप्त नाम और विस्तार.**—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश पंचायती राज (अधिसूचित क्षेत्रों पर विस्तार) नियम, 2011 है।

(2) इन नियमों के उपबंध राज्यों के अधिसूचित क्षेत्रों में गठित ग्राम पंचायतों, पंचायत समितियों और जिला परिषदों को लागू होंगे।

2. परिभाषाएं.—(1) इन नियमों में, जब तक कि सन्दर्भ से अन्यथा अपेक्षित न हो,—

- (क) “अधिनियम” से हिमाचल प्रदेश पंचायती राज अधिनियम, 1994 अभिप्रेत है ;
- (ख) “सामुदायिक संसाधनों या संसाधनों” से अभिप्रेत है और इसके अन्तर्गत है व्यस्तियों द्वारा स्वामित्व वाली भूमि को अपवर्जित करके सभा क्षेत्र के क्षेत्रीय प्रान्त में अवस्थित भूमि, जल, वन, खनिज और अन्य संसाधन ;
- (ग) “परामर्श” से इन नियमों के अधीन आज्ञापक परामर्श अभिप्रेत है ;
- (घ) “ग्राम सभा” से अभिप्रेत है जो उन व्यक्तियों से मिलकर बनी है जिनके नाम ग्राम पंचायत की निर्वाचक नामावली में सम्मिलित हैं;
- (ङ) “लघु वन उपज” से अभिप्रेत है और इसके अन्तर्गत है पादप मूल की समस्त गैर-इमारती वन उपज सहित चिलगोजा, न्योज, भोजपत्र, अखरोट, रत्नजोत, शिंगनी-मिंगनी, कशमल, बॉस, झाड़-झंखाड़, ठूठ, बेंत, टसर, कोया, शहद, मोम, लाख, तेंदू या केन्दू पत्ते, औषधीय पौधे और जड़ी-बूटियां, जड़े, कन्द जैसे सठ जलनोरी, कारू, धूप, चोरा, बनफशा, मुश्कबाला, मामीरी, बन अजवायन, गुच्छी, डोरी, ककड़सिंगी, सालम मिश्री, ठुठ, कालाजीरा, बटकेश, गलोय, सालम पंजा, निहानी, बच, कैल कोन, दसगटुली, चलोरा, तेजपत्र, कपर कचरी, पतीशन जड़ें, बिच्छूबूटी, देवदार रोजेटी, कुशकोन, बारीफूल, कैंथ, बिन्दीफूल, ब्रास फूल, पठान बेल, ग्रीन मौसघास, खरेरा/बसन्ती, वन हल्दि, बाथरपत्ता या राज्य के अधिसूचित क्षेत्रों में उपलब्ध और इस प्रकार घोषित कोई अन्य लघु वन उपज;
- (च) “लघु जलाशय (वाटर बाडी)” से पेयजल निकालने के लिए प्रयुक्त जलाशय अभिप्रेत हैं चाहे व नदी, नाला, झील हो और जिसके उपर चैक डैमों को विनिर्माण किया जा सके तथा जिसमें पांच हैक्टेयर तक की भूमि की सिंचाई करने की क्षमता हो;
- (छ) “समुचित स्तर पर पंचायत” से पंचायत का निम्नतर स्तर (श्रेणी) अभिप्रेत है जो किसी विशिष्ट कृत्य का अनुपालन कर सकेगा (सकेगी) या जिसके क्षेत्र में विशिष्ट संसाधन अवस्थित है; और
- (ज) “अधिसूचित क्षेत्र” से भारत के संविधान के अनुच्छेद 244 के खण्ड (1) के अधीन घोषित अधिसूचित क्षेत्र अभिप्रेत है।

(2) उन शब्दों और पदों के, जो इन नियमों में प्रयुक्त हैं किन्तु परिभाषित नहीं हैं, वही अर्थ होंगे, जो क्रमशः अधिनियम और तदधीन बनाए गए नियमों में उनके हैं।

3. ग्राम सभा द्वारा प्राकृतिक संसाधनों का अभिरक्षण.—(1) ग्राम सभा, धारा 97-ग के अधीन अपने क्षेत्र में अवस्थित प्राकृतिक संसाधनों के साथ-साथ उन क्षेत्रों में, जिनके ऊपर यह जल, वन, भूमि, से सबन्धित पारम्परिक अधिकारों का उपयोग, स्थानीय परम्परा तथा केन्द्रीय और राज्य सरकारों की विधियों की भावना के अनुसार करती है अवस्थित के अभिरक्षण और परिरक्षण के लिए सक्षम होगी।

(2) ग्राम सभा यह सुनिश्चित करेगी कि संसाधनों का इस प्रकार से उपयोग किया जाए कि,—

- (क) आजीविका के साधन अविरत रहें ;
- (ख) लोगों के मध्य असमानता न बढ़ें ;
- (ग) संसाधन कुछ ही लोगों तक सीमित न रहें ; और
- (घ) अविरतता के दृष्टिगत स्थानीय संसाधनों का पूर्णतया उपभोग हो, और संसाधनों का प्रबन्धन विद्यमान नियमों के अनुसार प्राकृतिक और अन्य संसाधनों पर व्यक्तिगत अधिकारों का सम्मान करते हुए, सामुदायिक सम्पदा की अन्तर्निहित भावना के दृष्टिगत ग्राम सभा द्वारा किया जाएगा।

(घ) बीज, खाद आदि की व्यवस्था सुनिश्चित करने के साथ-साथ आपसी सहकार या अन्यथा जानकारी बांटना ; और

(ङ) जैविक खाद, उर्वरकों (फर्टिलाइजर) और कीटनाशकों के प्रयोग को बढ़ावा देना।

6. भू-प्रबन्धन.—(1) ग्राम सभा, अपने क्षेत्र में गांव की समस्त भूमि के अभिलेखों, का यह सुनिश्चित करने के लिए कि किसानों के नाम सही रूप से अभिलिखित हैं और अभिलेख समुचित रूप से अनुरक्षित हैं, पुनर्विलोकन करने के लिए सक्षम होगी।

(2) सम्बद्ध राजस्व कर्मचारियों के लिए यह आज्ञापक होगा कि वे जहाँ स्वामी या भूमि का खेतिहर बदल जाता है, विक्रय, बन्धक, पट्टा-संविदा इत्यादि द्वारा भूमि के अन्तरण से पूर्व ग्राम सभा को नोटिस दे।

7. भूमि के अन्यसंक्रामण की रोकथाम.—(1) ग्राम सभा यह सुनिश्चित करेगी कि अनुसूचित जनजाति से सम्बन्धित व्यक्ति के स्वामित्वाधीन कोई भूमि, गैर अनुसूचित जनजाति व्यक्ति को अन्तरित न हो। यदि ऐसी भूमि के अन्यसंक्रामण का कोई मामला ग्राम पंचायत या ग्राम सभा के नोटिस में आता है, तो उस दशा में, राज्य सरकार के राजस्व विभाग के सम्बद्ध प्राधिकारी को इस बाबत रिपोर्ट करने का प्रधान का कर्तव्य होगा। उक्त प्राधिकारी विधि विरुद्धतया अन्यसंक्रामित भूमि को भूमि के वास्तविक स्वामी को प्रत्यावर्तित करने के आगामी आवश्यक कार्रवाई करेगा।

(2) ग्राम सभा, शिकायतों पर या स्वप्रेरणा से भूमि के किसी भी संव्यवहार की जांच करने को सक्षम होगी। सम्बद्ध ग्राम पंचायत के प्रधान द्वारा ग्राम सभा की जांच रिपोर्ट, सम्बद्ध पंचायत समिति और जिला परिषद् के अध्यक्ष के उक्त रिपोर्ट की प्रत्येक को एक-एक प्रति सहित, राज्य सरकार के राजस्व विभाग के सम्बद्ध प्राधिकारी को अग्रेषित की जाएगी।

(3) यदि ग्राम सभा की यह राय है कि अनुसूचित जनजाति से सम्बन्धित किसी व्यक्ति के स्वामित्वाधीन भूमि के अन्यसंक्रामण के प्रयास किए जा रहे हैं, तो यह ऐसे संव्यवहार को प्रतिसिद्ध करने के लिए अनुदेश जारी करेगी। ऐसे मामलों में ग्राम सभा का विनिश्चय अन्तिम होगा और सम्बद्ध राजस्व प्राधिकारी पर बाध्यकारी होगा।

8. अन्यसंक्रामित भूमि का प्रत्यावर्तन.—(1) यदि ग्राम सभा को ऐसा प्रतीत होता है कि अनुसूचित जनजाति के सदस्य से अन्यथा किसी व्यक्ति के पास किसी विधिपूर्ण प्राधिकार के बिना, अनुसूचित जनजाति के सदस्य द्वारा स्वामित्व वाली कोई भूमि कब्जे में है, तो यह ग्राम पंचायत के प्रधान के माध्यम से ऐसी भूमि को, उस व्यक्ति के जिससे यह मूलतः सम्बन्धित है और यदि वह व्यक्ति मृतक है, तो उस दशा में उसके विधिक उत्तराधिकारी के कब्जे के प्रत्यावर्तन के लिए, मामले को राज्य सरकार के राजस्व विभाग के सम्बद्ध प्राधिकारी से उठाएगा।

(2) उप नियम (1) के अधीन भूमि के प्रत्यावर्तन से सम्बन्धित विवाद की दशा में, ग्राम सभा इनके विवाद संकल्प के रुढ़िक ढंग का अनुसरण करेगी।

9. भू-अर्जन से पूर्व परामर्श.—(1) जब सरकार तत्समय प्रवृत्त किसी विधि के अधीन भू-अर्जन को किसी भी मामले पर विचार करती है, तो सरकार या सम्बद्ध प्राधिकारी, 97-च के उपबंधों के अनुसार ग्राम सभा को लिखित प्रस्ताव सहित निम्नलिखित सूचना प्रस्तुत करेगा :—

(क) परियोजना के संभव प्रभाव सहित प्रस्तावित परियोजना की सम्पूर्ण रूपरेखा ;

(ख) प्रस्तावित भू-अर्जन ;

(ग) सभा क्षेत्र में संभाव्य बसाए जाने वाले नए लोग और क्षेत्र तथा सोसाइटी पर संभव प्रभाव ;

(घ) गांव के लोगों के लिए प्रस्तावित सहभागिता, प्रतिकर की रकम, कार्य के अवसर ; और

(ङ) पुनर्वास और सतत आजीविका योजना।

(2) सम्पूर्ण सूचना प्राप्त करने के पश्चात् सम्बद्ध ग्राम सभा, सम्बद्ध प्राधिकारी के प्रतिनिधियों को बुलाने के लिए सक्षम होगी और राज्य सरकार उनका या तो वैयक्तिक रूप से या सामूहिक रूप से परीक्षण करेगी। बुलाए गए समस्त व्यक्तियों के लिए बिन्दु अनुसार स्पष्ट और सही सूचना देनी आज्ञापक होगी।

(3) ग्राम सभा समस्त तथ्यों पर विचार करने के पश्चात्, प्रस्तावित भू-अर्जन के लिए तथा विस्थापित व्यक्तियों के लिए पुनर्वास योजना के सम्बंध में सिफारिश करेगी।

(4) ग्राम सभा की सिफारिश पर भू-अर्जन अधिकारी द्वारा विचार किया जाएगा।

(5) यदि भू-अर्जन अधिकारी ग्राम सभा की सिफारिशों से अहसमत है, तो वह मामले को ग्राम सभा को पुनः विचार के लिए भेजेगा।

(6) द्वितीय परामर्श के पश्चात्, यदि भू-अर्जन अधिकारी ग्राम सभा की सिफारिशों के विरुद्ध आदेश पारित कर देता है, तो वह ऐसा करने के लिए कारणों को लिखित में अभिलिखित करेगा।

(7) पुनर्वास और सतत आजीविका योजना की प्रगति रिपोर्ट, भू-अर्जन के लिए अधिसूचना की तारीख से प्रत्येक तीन मास के पश्चात्, ग्राम सभा के समक्ष रखी जाएगी।

(8) यदि, यथास्थिति, ग्राम सभा और पंचायत समिति की राय में सुझाए गए उपायों का अनुसरण नहीं किया जा रहा है, तो ग्राम सभा उसके सम्बन्ध में राज्य सरकार के सम्बद्ध विभाग को, लिखित में सूचित कर सकेगी, और यह उक्त विभाग के लिए आज्ञापक होगा कि वह समुचित कार्रवाई करें।

10. जल संसाधनों की योजना और प्रबन्धन.—(1) जल संसाधनों का प्रबन्धन और उपयोग की योजना, अधिनियम की धारा 97-छ के उपबंधों के अनुसार, ऐसी रीति में बनाई जाएगी कि जिसमें वे आने वाली पीढ़ियों के लिए अविकल रहें और समस्त ग्रामवासियों का इन संसाधनों पर अधिकार रहे।

(2) ग्राम पंचायत के भीतर के जलाशयों का प्रबन्धन ग्राम पंचायत द्वारा, जो एक से अधिक ग्राम पंचायत क्षेत्र में फैले हुए हैं, सम्बद्ध पंचायत समिति द्वारा और जो एक से अधिक पंचायत समिति क्षेत्र में फैले हुए हैं, का प्रबन्धन परिषद् द्वारा किया जाएगा।

(3) आर.पी.एम.सी. और सम्बद्ध ग्राम सभा से परामर्श के पश्चात्, यथास्थिति, ग्राम पंचायत, पंचायत समिति, जिला परिषद् अपनी परम्पराओं और विद्यमान विधियों की भावना के दृष्टिगत, विभिन्न प्रयोजनों के लिए गांव में उपलब्ध जल का उपयोग व्यवस्थित करेगी और प्रथा की पूर्विकता के बारे में भी विनिश्चय करेगी।

11. तालाबों के लिए भूमि का प्रबन्धन.—आर.पी.एम.सी. और सम्बद्ध विभागों के साथ परामर्श से, यथास्थिति, ग्राम पंचायत, पंचायत समिति, जिला परिषद् सिंचाई और अन्य प्रयोजनों के लिए तालाबों के जलस्तर के घटने के परिणाम स्वरूप, उपलब्ध भूमि की खेतीबाड़ी के लिए व्यवस्था करेगी। यह उस भूमि पर, राज्य सरकार के नियमों के दृष्टिगत, उद्ग्राह्य दर के बारे में भी विनिश्चय करेगी।

12. मछली पकड़ना आदि.—(1) समस्त ग्राम सभा सदस्यों का, गांव के क्षेत्र के भीतर अवस्थित जल संसाधनों में, परिपाटी के अनुसार मछली पकड़ने के लिए समान अधिकार होगा।

(2) ग्राम पंचायत, स्थानीय परम्पराओं के दृष्टिगत, मछली पकड़ने के किसी पहलू की बाबत, यह सुनिश्चित करने के लिए कि एक या एक से अधिक व्यक्ति अनुचित रीति में उसकी/उनकी सीमा का अतिक्रमण न करे और मछलियों की उपलब्धता भी अनुरक्षित रहे, आवश्यक शर्तें अधिरोपित करेगी।

13. ग्राम सभा द्वारा लघु खनिजों के लिए योजना बनाना.—(1) ग्राम सभा, धारा 97—ज के अधीन, सभा क्षेत्र में मिट्टी, पत्थर, रेत आदि सहित समस्त लघु खनिजों के उत्खनन और उपयोग की योजना बनाने और उन पर नियन्त्रण करने को सक्षम होगी। ग्राम सभा का इस निमित्त लिया गया विनिश्चय, सम्बद्ध ग्राम पंचायत द्वारा कार्यान्वित किया जाएगा।

(2) सभा के सदस्य निम्नलिखित शर्तों के अध्यक्षीन, अपनी परम्परागत परिपाटी के अनुसार अपनी वैयक्तिक आवश्यकताओं के लिए लघु खनिजों का उपयोग कर सकेंगे कि,—

- (क) ग्राम सभा, परम्परागत आवासों से भिन्न, पक्के घरों को बनाने के लिए लघु खनिजों, जैसे पत्थर, रेत आदि के उपयोग की सीमा का विनिश्चय करेगी और उस पर रायल्टी भी अधिरोपित कर सकेगी, जो पंचायत निधि का भाग होगी;
- (ख) लघु खनिजों के उपयोग और दोहन के लिए ग्राम पंचायत से अनुज्ञा लेना अनिवार्य होगा; और
- (ग) ग्राम सभा व्यक्तियों द्वारा लघु खनिजों का उपयोग करने के लिए किए गए उत्खनन के दुष्प्रभाव की क्षतिपूर्ति जैसे गड्ढे भरना, वृक्षारोपण करना, तालाब विनिर्माण करना आदि का उत्तरदायित्व नियत करेगी।

(3) राज्य सरकार का सम्बद्ध विभाग, ग्राम सभा के परामर्श से, पर्यावरण, नियोजन इत्यादि के संरक्षण के लिए ग्राम सभा द्वारा ऐसे पट्टे के लिए अधिरोपित अन्य शर्तें, यदि कोई हों, को सम्मिलित करते हुए, केवल लघु खनिजों के लिए खान पट्टा प्रदान कर सकेगी।

- (4) (क) लघु खनिज उत्पादन की वाणिज्यिक संभाव्यता वाले गावों में लघु खनिजों के वाणिज्यिक रूप से उपयोग करने की अनुज्ञा देने से पूर्व, राज्य सरकार के सम्बद्ध विभाग का उत्तरदायित्व होगा कि वह ग्राम सभा से परामर्श करे।
- (ख) पर्यावरण आदि के संरक्षण के लिए सरकार द्वारा यदि कोई शर्त अधिरोपित की गई है, तो सम्बद्ध अधिकारी, ग्राम सभा को इस बाबत सम्पूर्ण सूचना उपलब्ध करवाएगा।
- (ग) लघु खनिजों के दोहन की योजना में व्यवस्थाएं, जैसे कि उत्खनन क्षेत्र, क्षेत्र का प्रकार, उत्खनन के दुष्प्रभाव का प्रबन्धन जैसे गड्ढों की स्थिति, पानी की कमी या पेड़-पौधों की कमी, खेतों में राख और धुएँ का प्रभाव इत्यादि सम्मिलित होगा ताकि गड्ढों को भरकर, वृक्षारोपण द्वारा या अन्य उपयुक्त उपायों द्वारा इन समस्त प्रभावों को निष्प्रभाव किया जाए।
- (5) किसी सरकारी विभाग द्वारा लघु खनिजों के दोहन के लिए यदि कोई छूट दी गई है, तो उक्त विभाग के लिए लघु खनिजों का नीलामी द्वारा दोहन करने के लिए छूट प्रदान करने हेतु ग्राम सभा की अनुज्ञा प्राप्त करना आज्ञापक होगा।

14. मादक पदार्थों का विनियमन.—(1) ग्राम सभा, धारा 97—झ (ख) के अधीन अपनी सीमाओं के भीतर किसी मादक पदार्थ के विक्रय और उपभोग के प्रतिसिद्ध करने या उसका विनियमन करने या निर्बन्धन प्रवर्तित करने के लिए सक्षम होगी जिसके लिए ग्राम सभा इस निमित्त पारित प्रस्ताव द्वारा,—

- (क) जनजातीय लोगों को उनके अपने उपयोग के लिए स्थानीय शराब निकालना पूर्णतया अनुज्ञात कर सकेगी या इसके ऊपर गाँव में किसी प्रकार का प्रतिबंध अधिरोपित कर सकेगी ;
- (ख) दुकान से या किसी अन्य रीति में किसी भी प्रकार के मादक पदार्थ के विक्रय को बन्द कर सकेगी :

परन्तु ये अनुदेश आगामी वित्तीय वर्ष से प्रवृत्त होंगे ;

- (ग) किसी प्रकार से मादक पदार्थ को गाँव की क्षेत्रीय सीमा में लाने या इसे गाँव की क्षेत्रीय सीमा से बाहर ले जाने पर निर्बन्धन अधिरोपित कर सकेगी ;
- (घ) किसी स्थान पर मादक पदार्थों का भण्डारण प्रतिसिद्ध कर सकेगी या उसकी सीमा नियत कर सकेगी ;
- (ङ) अपने क्षेत्र में शराब या अन्य मादक पदार्थ के उपयोग के पूर्णतः पाबन्दी लगा सकेगी या कोई निर्बन्धन अधिरोपित कर सकेगी ;
- (च) शराब को बनाने के लिए प्रयुक्त सामग्री जैसे कि मक्का, फल, जैगरि इत्यादि के विक्रय को विनियमित कर सकेगी ; और
- (छ) स्थानीय स्तर पर बनाई गई शराब, जैसे की अंगूरी, सूल्फी, चूली, बेमी, सेब, किवी, ब्राण्डी, छांग या किसी अन्य स्थानीय नाम से ज्ञात, के उपयोग को विनियमित कर सकेगी।
- (2) (क) ग्राम सभा या तो शिकायत (शिकायतों) के आधार पर या स्वप्रेरणा से मादक पदार्थों से सम्बन्धित मामलों की जांच के लिए, ग्राम सभा द्वारा नामनिर्दिष्ट किए जाने वाले कम से कम सात सदस्यों से गठित, मत्तता नियन्त्रण समिति गठित कर सकेगी और सभा सदस्यों के हित के लिए मादक पदार्थों के नियन्त्रण से सम्बन्धित उपयुक्त सुझाव देगी :

परन्तु मत्तता नियन्त्रण समिति के कम से कम आधे सदस्य महिलाएं होंगी।

(ख) मत्तता नियन्त्रण समिति,—

- (i) सुनिश्चित करेगी कि किसी प्रकार के मादक पदार्थों का विनिर्माण करने वाले कारखाने/आसवनियां अनुज्ञापति में वर्णित समस्त शर्तों का पालन कर रही हैं और किसी उल्लंघन की दशा में, ग्राम सभा को सक्षम आबकारी प्राधिकारियों के माध्यम से आगामी कार्रवाई प्रारम्भ करने के लिए मामले की रिपोर्ट करेगी ; और
- (ii) सम्बद्ध कारखाने/आसवनी के स्वामी के शराब के विनिर्माण, वितरण प्रणाली, इसके पर्यावर्णीय प्रभाव इत्यादि सहित लोगों के कल्याण से सम्बन्धित समस्त मामले ग्राम सभा के समक्ष प्रस्तुत करेगी।
- (ग) ग्राम सभा ग्राम पंचायत के प्रधान के माध्यम से मत्तता नियन्त्रण समिति के सुचारु रूप से कार्य करने के लिए आबकारी विभाग से परामर्श और सहायता ले सकेगी।
- (3) (क) ग्राम सभा की सहमति के बिना शराब या अन्य मादक पदार्थों के विनिर्माण के लिए कोई कारखाना/आसवनी स्थापित नहीं की जाएगी।
- (ख) ग्राम सभा की सीमाओं में, सरकार या अन्य अभिकरण द्वारा शराब या अन्य मादक पदार्थों के विनिर्माण का कारखाना/आसवनी स्थापित करने, या शराब के विक्रय के लिए नई दुकान खोलने का प्रस्ताव ग्राम पंचायत के प्रधान के माध्यम से परामर्श के लिए ग्राम सभा के समक्ष प्रस्तुत किया जाएगा। ऐसा प्रस्ताव ग्राम सभा की बैठक में सभा सदस्यों की सूचना के लिए प्रस्तुत किया जाएगा, जिस पर ग्राम सभा की आगामी बैठक में या विशेष बैठक में विचार किया जाएगा। उक्त प्रस्ताव पर ग्राम सभा का विनिश्चय अंतिम होगा।
- (ग) यदि ग्राम सभा विवादक पर कोई विनिश्चय करने में असफल रहती है या प्रस्ताव पर विचार नहीं किया जाता है, तो उक्त प्रस्ताव मंजूर किया गया नहीं समझा जाएगा।

15. वन उपज के दोहन के लिए ग्राम सभा से परामर्श.—(1) धारा 97—झ (क) के अधीन वन उपज के दोहन के लिए विभागीय कार्यक्रम तैयार करने से पूर्व वन विभाग ग्राम सभा से परामर्श करेगा।

(2) वन विभाग यह सुनिश्चित करेगा कि वन उपज का दोहन सामान्य वन विधियों के दृष्टिगत लोगों की सहमति से तैयार की गई स्कीम के अनुरूप है और कोई भी ऐसे पौधे/वृक्ष काटे नहीं जाएंगे जो स्थानीय लोगों के लिए लाभदायक हैं। यह भी सुनिश्चित किया जाएगा कि वन उपज का कोई अवैध निर्यात न हो।

(3) तत्समय प्रवृत्त किसी विधि में लघु वन उपज के बारे में किन्हीं उपबन्धों के बावजूद, वन उपज का प्रबन्धन लघु वन उपज के स्वामित्व, संग्रहण की पहुँच, उपयोग और व्ययन के अधिकार के संरक्षण के लिए किया जाएगा जिन्हें वन अधिकार अधिनियम, 2006 की धारा 3 के अनुरूप सभा क्षेत्र में या इसके बाहर पारम्परिक रूप से संगृहीत किया गया हो।

(4) ग्राम सभा सम्बद्ध वन अधिकारी से परामर्श करके लघु वन उपज के उपयोग या दोहन की बाबत कार्रवाई योजना तैयार कर सकेगी।

(5) ग्राम सभा, लघु वन उपज की सीमित मात्रा की दशा में कुछ लोगों, जैसे कि संसाधन विहीन और आर्थिक रूप से कमजोर समूहों, द्वारा इसके संग्रहण और उपयोग के लिए चक्रीय व्यवस्था कर सकेगी।

(6) ग्राम सभा लघु वन उपज के दोहन के लिए नियमों का सर्वधा अनुपालन सुनिश्चित करवाने के लिए सक्षम होगी ताकि लघु वन उपज का संग्रहण करने वाले व्यक्ति कोई ऐसा कार्य न करें जिससे वन को नुकसान हो।

16. लघु वन उपज पर रायल्टी.—(1) वन विभाग, लघु वन उपज के विक्रय मूल्य के दृष्टिगत, समय-समय पर, लघु वन उपज के व्योहारियों द्वारा संदेय रायल्टी अवधारित और अधिसूचित करेगा।

(2) लघु वन उपज का व्योहारी, सम्बद्ध ग्राम पंचायत को इसके प्रधान के माध्यम से लघु वन उपज के निर्यात के लिए पारगमन अनुज्ञापत्र जारी करने के लिए आवेदन करेगा।

(3) ग्राम पंचायत का प्रधान आवेदन (आवेदनों) के प्राप्ति के तुरन्त पश्चात् उसे/उन्हें ग्राम पंचायत कि बैठक में विचार करने और अनुमोदन के लिए रखेगा।

(4) ग्राम पंचायत के अनुमोदन के अध्यक्षीन, प्रधान का यह कर्तव्य होगा कि उक्त आवेदन (आवेदनों) को वन विभाग के सम्बद्ध वन रक्षक को सिफारिशों के लिए अग्रेषित करे। उक्त आवेदन (आवेदनों) की प्राप्ति पर वन रक्षक सत्यापित करेगा कि अनुमोदित निष्कासन चक्र के अनुसार प्रजातियाँ विनिर्दिष्ट क्षेत्र से निकाल दी गई हैं और निष्कासन सतत रीति में किया गया है तथा क्षेत्र में कोई परीस्थितिकीय या पर्यावरणीय क्षति कारित नहीं हुई है और उक्त आवेदन (आवेदनों) को, सम्बद्ध ग्राम पंचायत के प्रधान को, उक्त आवेदन (आवेदनों) पर अपनी लिखित सिफारिशों के पश्चात् पारगमन अनुज्ञापत्र/अनुज्ञापत्रों को जारी करने के लिए वापस करेगा।

(5) वन रक्षक की सिफारिशें प्राप्त होने के पश्चात् प्रधान, यथास्थिति, सचिव या पंचायत सहायक के माध्यम से, लघु वन उपज के निर्यात के लिए, हिमाचल प्रदेश पंचायती राज (वित्त, बजट, लेखे, संपरीक्षा, संकर्म, कराधान और भत्ते) नियम, 2002 से संलग्न प्रारूप-3 में जारी रसीद द्वारा ऐसी दरों पर, जैसी समय-समय पर राज्य सरकार के वन विभाग द्वारा अधिसूचित हैं, व्योहारियों से अनुज्ञापत्र फीस वसूल करेगा।

(6) उप नियम (3) और (4) में वर्णित प्रक्रिया के पूर्ण होने के पश्चात् ही हिमाचल प्रदेश फारेस्ट प्रोड्यूस ट्रॉजिट (लैंड रूट्स) रूल्ज, 1978 के अधीन विनिर्दिष्ट प्रारूप पर, यथास्थिति, सचिव या पंचायत सहायक द्वारा समय-रूप से हस्ताक्षरित और ग्राम पंचायत के प्रधान द्वारा प्रतिहस्तक्षरित पारगमन अनुज्ञापत्र जारी किया जाएगा। पारगमन अनुज्ञापत्र की द्विपत्रीक प्रति सम्बद्ध वन मण्डल अधिकारी को भी अग्रेषित की जाएगी।

(7) यथास्थिति, सचिव या पंचायत सहायक का कर्तव्य होगा कि वह पारगमन अनुज्ञापत्र पर निम्नलिखित ब्यौरे दें :—

- (क) बैठक की प्रस्ताव संख्या और तारीख जिसमें ग्राम पंचायत ने पारगमन अनुज्ञापत्र जारी करने से सम्बन्धित मामले को अनुमोदित किया है ;
- (ख) निर्यात किए जाने के लिए लघु वन उपज की किस्म और मात्रा ;
- (ग) ग्राम पंचायत की रसीद संख्या सहित वसूल की गई अनुज्ञा फीस की रकम ; और
- (घ) अवधि जिसके लिए पारगमन अनुज्ञापत्र विधिमान्य रहेगा :

परन्तु किन्हीं भी परिस्थितियों में कोई भी पारगमन अनुज्ञापत्र इसके जारी किए जाने की तारीख से छह मास से अनधिक की अवधि के लिए विधिमान्य नहीं होगा।

- (8) लघु वन उपज के निर्यात के लिए पारगमन अनुज्ञापत्र को जारी करने के लिए वसूल की गई फीस की रकम पंचायत निधि का भाग बनेगी और इसे तुरन्त, यथास्थिति, डाकघर या सहकारी बैंक या किसी अधिसूचित बैंक में ग्राम पंचायत के खाते में, जहां पंचायत निधि रखी जाती है, जमा किया जाएगा।
- (9) यथास्थिति, सचिव या पंचायत सहायक का यह कर्तव्य होगा कि ग्राम सभा की बैठक में सभा सदस्यों की सूचना के लिए अनुज्ञापत्र को जारी करने से सम्बन्धित निम्नलिखित ब्यौरे रखे :—

- (क) जारी किए गए पारगमन अनुज्ञापत्र (अनुज्ञापत्रों) की संख्या ;
- (ख) ब्यौहारी (ब्यौहारियों) का/के नाम जिसे/जिन्हें पारगमन अनुज्ञापत्र (अनुज्ञापत्रों) को जारी किया गया है ;
- (ग) लघु वन उपज की किस्में और मात्रा जिसके लिए पारगमन अनुज्ञापत्र (अनुज्ञापत्रों) के जारी किया गया है ; और
- (घ) वसूल की गई अनुज्ञा फीस की रकम।

- (10) वन मण्डल अधिकारी ग्राम पंचायत द्वारा जारी किए गए अनुज्ञापत्रों से सम्बन्धित अभिलेख, वसूल की गई फीस, लघु वन उपज की किस्म और मात्रा जिसके लिए अनुज्ञापत्र जारी किया गया है, अनुरक्षित रखेगा ताकि लघु वन उपज के अवैध निर्यात के मामलों और निधियों के दुर्विर्नियोग पर निगरानी रखी जा सके।

17. लघु वन उपज का शासकीय प्रबन्धन.—(1) यदि राज्य सरकार जनजातिय हितों के संरक्षण के आशय से किसी लघु वन उपज का व्यापार सुव्यवस्थित करती है, तो ऐसा व्यापार सभा सदस्यों की ओर से किया गया व्यापार समझा जाएगा, किन्तु उक्त व्यवस्था के लिए ग्राम सभा का पूर्व अनुमोदन आवश्यक होगा। ग्राम सभा के सुझावों के आधार पर, ऐसे व्यापार में आवश्यक परिवर्तन किए जाएंगे।

(2) ऐसे व्यापार में, ग्राम सभा और लघु वन उपज का संग्रहण करने और व्यापार करने वाले व्यक्तियों का शुद्ध लाभ पर पूर्ण अधिकार होगा।

18. लघु वन उपज के लिए स्कीम.—(1) सभा सदस्यों की अपेक्षाओं, जैसे चरागाह, ईंधन की लकड़ी, आवास और हल बनाने, को पूरा करने के लिए ग्राम सभा संबंधित वन अधिकारी के परामर्श से लोगों द्वारा परम्परागत ढंग से उपयोग में लाई जाने वाली वन संपदा के उपयोग हेतु एक स्कीम तैयार करेगी। इस

स्कीम के अधीन सभा क्षेत्र में निवास करने वाला प्रत्येक व्यक्ति आर. पी. एम. सी. से अनुज्ञापत्र प्राप्त करने के पश्चात् सम्पदा का उपयोग कर सकेगा।

(2) ग्राम सभा विनियम बना सकेगी ताकि यह सुनिश्चित हो कि सभा सदस्यों के ईंधन लकड़ी और अन्य लघु वन उपज संग्रहीत करने के हित संरक्षित रहें।

(3) ग्राम सभा, वन का संरक्षण करने, पर्यावरण सुधारने और स्थानीय स्तर पर अपने-अपने क्षेत्र में रोजगार बढ़ाने के लिए उपयुक्त कार्यक्रम तैयार कर सकेगी।

(4) ग्राम सभा अपने क्षेत्रों से गुजरने वाली लकड़ी या वन उपज के बारे में, विभागीय अनुज्ञापत्र के बावजूद, पूछताछ करने के लिए सक्षम होगी। ग्राम सभा अवैध संक्रिया के संदेह की दशा में, अपने प्रधान के माध्यम से, इसे घटनास्थल पर रोकने के लिए सक्षम होगी।

19. बाज़ार पर नियंत्रण.—(1) ग्राम सभा, धारा 97—(झ)(ग) के अधीन, ग्राम पंचायत के माध्यम से, अपने क्षेत्र के भीतर बाजारों को नियंत्रित करने और उनका प्रबंध करने के लिए सक्षम होगी। ग्राम सभा का यह कर्तव्य होगा कि वह,—

- (क) बाज़ार में दुकानदारों और उपभोक्ताओं के लिए जल, शैड और अन्य भौतिक सुविधाएं उपलब्ध करवाएगी ;
- (ख) बाज़ार में हानिकारक पदार्थों के प्रवेश और विक्रय पर प्रतिबंध लगायेगी ;
- (ग) यह सुनिश्चित करेगी कि संव्यवहारों में भार, माप और संदाय वास्तविक है
- (घ) प्रभारित किए जा रहे मूल्यों के बारे में जानकारी अभिप्राप्त और सांझा करेगी ;
- (ङ) मूल्यों की बावत धोखाधड़ी या गलत जानकारी सहित समस्त अशुद्ध व्यवहार प्रतिबंधित करेगी ;
- (च) बाज़ार में या इसके आसपास के क्षेत्र में द्यूत, बाजी लगाना, भाग्य आजमाना, मुर्गबाजी आदि प्रतिबंधित करेगी ; और
- (छ) बाज़ार में दूकानदारों पर कर या तह—बाजारी अधिरोपित करेगी :

परन्तु बाजार के अपने उत्पाद का विक्रय करने हेतु आने वाले लघु विक्रेताओं पर कोई कर या तह—बाजारी अधिरोपित नहीं की जाएगी। ग्राम सभा यह विनिश्चित करने के लिए सक्षम होगी कि कौन लघु विक्रेता के रूप में अर्हित होता है।

(2) ग्राम सभा, अपने क्षेत्र में ग्रामों के बाजार का प्रबंध करने के लिए एक बाजार समिति का गठन कर सकेगी। बाजार समिति, ऐसे बाजार कर व्यवस्था के लिए और उस स्थान पर, जहाँ बाजार लगाया जाता है, शांति बनाए रखने के लिए तथा बाजार के, बिना किसी विरोध या झगड़े के, शांतिपूर्वक कार्य करने को सुनिश्चित करने के लिए भी जवाबदार होगी।

(3) किसी विवाद की दशा में, बाजार समिति के विनिश्चय को ग्राम सभा में चुनौती दी जा सकेगी। ग्राम सभा का उस पर विनिश्चय अंतिम होगा।

20. धन उधार देने वाले संव्यवहारों पर नियंत्रण.—(1) किसी विधि में कोई उपबंध होते हुए भी, पंचायत (अधिसूचित क्षेत्रों का विस्तार) अधिनियम, 1996 (1996 का अधिनियम संख्याक 40) की धारा 4 (ङ) की भावना के अनुसार, ग्राम सभा, धारा 97 (झ) (घ) के उपबंधों के अधीन समस्त सभा सदस्यों को उधार देने वाले संव्यवहारों को नियंत्रित करने के लिए सक्षम होगी और ग्राम सभा, इस प्रायोजन के लिए, ग्राम सभा द्वारा

नामनिर्देशित किए जाने वाले पांच सदस्यों से अन्यून सभा सदस्यों से गठित एक ऋण नियंत्रण समिति बना सकेगी ।

स्पष्टीकरण.—धन उधार देने वाले संव्यवहारों में किसी अधिनियम के अधीन या निजी तौर पर अथवा अनौपचारिक रूप से, प्रथा के अनुसार या अन्यथा सरकार, सहाकारी सोसाइटी, धन उधारदाताओं, बैंकों और अन्य संस्थाओं द्वारा विस्तारित उधार आदि सम्मिलित होगा।

(2) ग्राम सभा, प्राइवेट संव्यवहारों के मामलों में अधिकतम ब्याज और प्रतिसंदाय की शर्त विनिश्चित करने के लिए सक्षम होगी।

(3) ग्राम सभा, ग्रामीणों को किसी व्यक्ति या संस्था द्वारा दिए गए उधार, इसकी शर्तें, प्रतिसंदाय परिस्थिति इत्यादि की बाबत कोई जानकारी मांग सकेगी। इन मामलों में, सूचना मांगने पर, संबंधित व्यक्ति या संस्था, ग्राम पंचायत के प्रधान के माध्यम से ग्राम सभा द्वारा विनिर्दिष्ट युक्तियुक्त समय के भीतर ग्राम सभा को पूर्ण सूचना उपलब्ध कराएगी।

(4) कोई सभा सदस्य, किसी संस्था या व्यक्ति द्वारा दिए गए उधार की बाबत, किसी प्रकार की अनियमितता, संव्यवहार में भ्रष्टाचार, आगम की वसूली, उधार आदि का प्रतिसंदाय करने में अक्षमता के बारे में ग्राम सभा या ऋण नियंत्रण समिति के समक्ष अपन मामला लिखित या मौखिक रूप में प्रस्तुत कर सकेगा। यदि कोई मौखिक शिकायत है तो, यह ग्राम पंचायत के सचिव या पंचायत सहायक का कर्तव्य होगा कि वह उसको लेखबद्ध करे और उसे अभिलेख में रखे।

(5) उप नियम (4) में वर्णित आवेदन पर विचार करने के पश्चात् यदि ग्राम सभा स्वयं या ऋण नियंत्रण समिति के निष्कर्षों के आधार पर यह समझती है कि आवेदक के साथ अन्याय हुआ है तो, यह संबंधित संस्था/व्यक्ति को उक्त अन्याय का प्रतितोष करने के लिए अनुदेश दे सकेगी।

(6) ग्राम सभा, ग्राम पंचायत के प्रधान के माध्यम से, विशेषकर जनजातियों की दशा में, किसी बैंक, सोसाइटी या किसी उधार दाता को अनुदेश दे सकेगी कि उधार केवल ग्राम सभा या इसकी ऋण नियंत्रण समिति की उपस्थिति में संवितरित किए जाएं। इसी प्रकार के अनुदेश उधार के प्रतिसंदाय के बारे में भी जारी किए जाएं। ग्राम सभा के अनुदेश बाध्यकारी होंगे।

(7) यदि संबंधित संस्था को उप नियम (6) में वर्णित अनुदेशों की बाबत कोई आक्षेप है तो वह जिला समाहर्ता को अपील कर सकेगी। जिला समाहर्ता एक मध्यस्थ, जो उक्त अपील को विनिश्चित करेगा, की नियुक्ति करेगा, जिसका उस पर विनिश्चय अंतिम होगा।

(8) ग्राम सभा, गांव में समस्त प्रकार के श्रमिकों के लिखित, मौखिक और अनौपचारिक करारों का पुनर्विलोकन कर सकेगी और यह सुनिश्चित करेगी कि उधार के प्रतिसंदाय के लिए कोई बंधवा मजदूर तो नहीं है।

21. ग्राम सभा द्वारा कार्यक्रमों का अनुमोदन.—(1) ग्राम पंचायत सभा क्षेत्र के लिए योजनाओं और परियोजनाओं पर ग्राम सभा का अनुमोदन अभिप्राप्त करेगी।

(2) सभा क्षेत्र में कोई कार्यक्रम या परियोजना प्रारम्भ करने से पूर्व, यथास्थिति, ग्राम पंचायत, सरकारी विभाग, कोई अन्य संस्था, ग्राम पंचायत के प्रधान के माध्यम से प्रस्ताव को ग्राम सभा के समक्ष इसके अनुमोदन के लिए प्रस्तुत करेगी और ऐसे प्रस्ताव में,—

(क) गांव के विकास के लिए अंतिम उद्देश्यों के संदर्भ में कार्यक्रम की सुसंगति और महत्व ;

(ख) कार्यक्रम के पूर्ण वित्तीय ब्यौरे जैसे कि सरकार द्वारा व्यय, उधार या सहायता ; और

(ग) निर्माण कार्यों की बाबत मामलों में, उनका आयाम, निर्माण सामग्री, प्रौद्योगिकी और मशीनों का उपयोग, स्थानीय कर्मचारों की भागीदारी, ठेकेदारों की भूमिका आदि सम्मिलित होंगी।

(3) ग्राम सभा, योजना, कार्यक्रम या परियोजना को या तो उसी रूप में, जिसमें यह संबंधित संस्था द्वारा प्रस्तुत की जाती है, अनुमोदित करेगी या इसे कतिपय शर्तों, जिनको यह उचित समझे, सहित अनुमोदित करेगी और अनुमोदन प्रदान करते हुए यह गाँव(वों) की स्थिति को ध्यान में रखते हुए आवश्यक उपांतरण कर सकेगी। ग्राम सभा का, इस निमित्त, विनिश्चय अंतिम और बाध्यकारी होगा।

22. सरकारी विभागों और ग्राम पंचायतों द्वारा ग्राम सभा के विनिश्चय का अनुपालन.—(1) ग्राम पंचायत और इसकी समितियां ग्राम सभा के नियंत्रण और निदेशन के अधीन कार्य करेगी और ग्राम सभा के प्रति पूर्णतया जवाबदार होगी।

(2) ग्राम पंचायत अधिनियम के अधीन बनाए गए नियमों के अनुसार कार्य करेगी और इन नियमों तथा ग्राम सभा के निदेशों के बीच किसी विरोध की दशा में, पश्चात्कथित को अग्रता दी जाएगी।

(3) उप नियम (2) के अधीन अपने अधिकार का उपयोग करते हुए, यदि ग्राम सभा ऐसा कोई विनिश्चय करती है, जो प्रतिबाधा उत्पन्न करता है या किसी विभाग या अधिकारी के शासकीय कार्य में प्रतिबाधा की संभावना हो, तो निम्नलिखित रूप से कार्रवाई की जाएगी :—

(क) संबंधित विभाग का प्रतिनिधि या अधिकारी विवादग्रस्त मामले पर कार्रवाई मुलतवी करेगा और अपना दृष्टिकोण ग्राम सभा को और इसके विनिश्चय पर पुनर्विचार करने के अनुरोध सहित प्रस्तुत करेगा ; और

(ख) यदि उक्त विभाग ग्राम सभा के विनिश्चय से संतुष्ट नहीं होता हो, तो वह मामले को जिला समाहर्ता को निर्दिष्ट करेगा, जिसका उस पर विनिश्चय अंतिम होगा।

23. संस्थाओं और कृत्यकारियों पर नियंत्रण करने की शक्तियां.—(1) पंचायत समिति, धारा 97—झ (2) (क) के अधीन विभिन्न विभागों नामतः कृषि, पशुपालन, आयुर्वेद, शिक्षा, खाद्य एवं आपूर्ति, वन, स्वास्थ्य एवं परिवार कल्याण, उद्यान, उद्योग, सिंचाई एवं जन-स्वास्थ्य, लोक निर्माण, राजस्व, ग्रामीण विकास तथा सामाजिक न्याय एवं अधिकारिता विभाग की स्कीमों के कृत्यकरण का पर्यवेक्षण और अनुश्रवण करने के लिए सक्षम होगी। पंचायत समिति के पदाधिकारी उक्त विभागों के खण्ड और ग्राम स्तरीय कृत्यकारियों की उनके कार्य के समनुदेशित क्षेत्रों में शारीरिक उपस्थिति के बारे में निरीक्षण करने और रिपोर्ट करने के लिए सक्षम होंगे।

(2) पंचायत समिति, अपने सचिव के माध्यम से उप नियम (1) में वर्णित विभागों के खण्ड स्तरीय कृत्यकारियों द्वारा क्षेत्र निरीक्षण के लिए निदेश जारी करेगी और उनके प्रवास कार्यक्रम भी अनुमोदित करेगी।

(3) पंचायत समिति का अध्यक्ष उप नियम (1) में वर्णित विभागों के खण्ड स्तरीय कृत्यकारियों की वार्षिक गोपनीय रिपोर्टों पर अपनी टिप्पणियां अभिलिखित करेगा।

आदेश द्वारा,
हस्ताक्षरित /—
सचिव, पंचायती राज।

[Authoritative English text of this Department Notification Number PCH-HA(1)4/2006-III, dated 1st March, 2011 as required under clause(3) of article 348 of the Constitution of India].

PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

Shimla-171 009, the 1st March, 2011

No. PCH-HA(1)4/2006-III.— In exercise of the powers conferred by sub-section (2) of section 186 read with section 97-C, 97-F, 97-G, 97-H and 97-I of the Himachal Pradesh Panchayati Raj Act, 1994(Act No. 4 of 1994), the Governor, Himachal Pradesh, proposes to make the following rules for carrying out the purposes of the Act and the same are hereby published in the Rajpatra, Himachal Pradesh, for the information of the general public ;

If any person, likely to be affected by these draft rules has any objection(s) or suggestions(s) to make with regard to the said rules, he may send the same to the Director of Panchayati Raj, Himachal Pradesh, SDA Complex, Block No. 27, Kasumpti, Shimla-171009, within a period of ten days from the date of publication of the draft rules in the Rajpatra, Himachal Pradesh;

The objections(s) or suggestions(s), if any, received within the period specified above shall be taken into consideration by the State government, before finalizing these rules, namely:-

DRAFT RULES

1. Short title and extent.— (1) These rules may be called the Himachal Pradesh Panchayati Raj (Extension to the Scheduled Areas) Rules, 2011. (2) The provisions of these rules shall apply to the Gram Panchayats, Panchayat Samitis and Zila Parishads constituted in the scheduled areas of the State.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Himachal Pradesh Panchayati Raj Act, 1994;
- (b) "Community resources or resources" means and include land excluding the land owned by individuals, water, forest, minerals and other resources located in the territorial domain of a Sabha area;
- (c) "Consultation" means a mandatory consultation under these rules;
- (d) "Gram Sabha" means and consist of persons whose names are included in the electoral rolls of a Gram Panchayat;
- (e) "Minor Forest Produce" means and includes all non-timber forest produce of plant origin including chilgoza, neyoza, bhojpatra, akhrot, ratanzot, shingni mingni, kashmal, bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu, or kendu leaves, medicinal plants and herbs, roots, tubers such as sath jnlori, karoo, dhoop, chora, banafsha, mushk bala, mamiri, ban ajwain, guchchi, dori, kakarsinghi, salm mishri, thuth, kala zira, butkesh, gloe salam panja, nihani, buch, kail cones, dusgtuli, chalora, taispatra, kapper kuchri, patishan roots, bichu buti, deodar rosseite, kush cones, bari phool, kainth, bindi phool, brass phool, pthan bail, green mousghass, khaarera/basanti, ban haldi, bather patta or any other minor forest produce available in scheduled areas of the State and declared as such;

- (f) "Minor Water body" means water body used for fetching drinking water whether a stream, a rivulet, lake and on which the construction of check dams can be made and which has a capacity of irrigating land up to 5 hectares;
- (g) "Panchayat at appropriate level" means the lowest tier of Panchayat which can perform a particular function or in whose area a particular resource is situated; and
- (h) "Scheduled Areas" means the Schedule Areas declared under clause (1) of article 244 of the Constitution of India.

(2) The words and expressions used but not defined in these rules shall have the same meaning as respectively assigned to them in the Act and rules made thereunder.

3. *Gram Sabha to safeguard natural resources.*— (1) Gram Sabha, under section 97-C, shall be competent to safeguard and preserve the natural resources located in its area as well as those over which it enjoys traditional rights in relation to water, forest, land and mineral as per local tradition and the spirit of the laws of the Central and State Governments. (2) The Gram Sabha shall ensure that resources are utilized in such a way that,-

- (a) livelihood means are sustained;
- (b) inequality among the people does not increase;
- (c) resources are not confined to a few people; and
- (d) there is full utilization of local resources, in keeping with sustainability,

and the management of resources shall be done by the Gram Sabha keeping in view the inherent spirit of the community legacy by honouring the individual rights over natural and other resources as per the prevalent rules.

4. *Resource, planning and management committee.*—(1) The Gram Sabha shall constitute a Resource Planning and Management Committee (hereinafter referred to as 'RPMC') consisting of the Pradhan of the Gram Panchayat and at least five other sabha members to be nominated by the Gram Sabha, who are not the office bearers of the Gram Panchayat.

(2) The term of the RPMC shall be coterminous with the term of the Gram Panchayat.

(3) The meeting of the RPMC shall be held at least once a year and it shall be the duty of the Pradhan to convene such meeting. The Secretary or the Panchayat Sahayak, as case may be, shall be the Secretary of the RPMC.

(4) The representatives of the Development Block level offices of the Agriculture, Forest, Horticulture, Industries, Irrigation and Public Health and Revenue departments of the State Government shall function as advisors to the RPMC and shall also attend its meetings.

(5) The RPMC shall chalk out a plan for the best possible use of all the resources within the sabha area and shall advise and cooperate with the sabha members to make use of them accordingly.

(6) The RPMC shall consider all the aspects, including difference of opinion or dispute about the management and use of the resources and in case the RPMC is not able to resolve any issue then the said issue shall be referred to the Gram Sabha for consideration. The decision of the Gram Sabha thereon shall be final.

5. Gram Sabha to plan for farming.—(1) Gram Sabha, under section 97-C, shall be competent to plan and take action for making farming economically viable by considering the measures for,—

- (a) prevention of soil erosion;
- (b) regulating grazing in order to protect crops and enhance the capacity of meadows;
- (c) harvesting rain water for its use in farming and for its distribution;
- (d) ensuring provision of seeds, manure etc. as well as knowledge sharing with mutual cooperation or otherwise; and
- (e) promoting organic manures, fertilizers and insecticides.

6. Land management.—(1) The Gram Sabha, within its area, shall be competent to review records of the entire land of the village for ensuring that the farmer's names are correctly recorded and records are properly maintained; (2) It shall be mandatory for concerned revenue officials to take permission from the Gram Sabha prior to transfer of land by sale, mortgage, lease-contract etc in which the owner or tiller of the land changes.

7. Prevention of land alienation.—(1) The Gram Sabha Shall ensure that no land belonging to a Scheduled Tribe is transferred to a non-scheduled Tribe person. If any case of alienation of such land comes to the notice of the Gram Panchayat or the Gram Sabha, in that event it shall be the duty of the Pradhan to make a report in this regard to the concerned authority of the Revenue Department of the State Government. The said authority shall take further necessary action for restoration of unlawfully alienated land to the actual owner of the land. (2) The Gram Sabha shall be competent to enquire into any land transactions on the basis of complaints or suo-moto. The enquiry report of the Gram Sabha shall be forwarded by the Pradhan of the Gram Panchayat concerned to the concerned authority of the Revenue Department of the State Government along with a copy each of the said report to the Chairman of the Panchayat Samiti and Zila Parishad concerned. (3) If the Gram Sabha is of the opinion that attempts are being made to alienate lands belonging to a Scheduled Tribe, it shall issue instructions to prohibit such transaction. The decision of the Gram Sabha in such cases shall be final and binding upon the concerned revenue authority.

8. Restoration of alienated land.—(1) If Gram Sabha finds that any person other than a member of the scheduled tribe, without any lawful authority, is in possession of any land owned by of a scheduled tribe, it shall, through the Pradhan of the Gram Panchayat, take up the matter with the concerned authority of the Revenue Department of the State Government for restoration of the possession of such land to that person to whom it originally belonged and if that person is dead, in that event to his legal heirs. (2) In case of dispute regarding restoration of land under sub-rule (1), the Gram Sabha shall follow its customary mode of dispute resolution.

9. Consultation before land-acquisition.— (1) When the government considers any case of land acquisition under any law for the time being in force, the government or the concerned authority shall submit to the Gram Sabha as per provisions of section 97-F, the following written information along with the proposal:-

- (a) the complete outline of the proposed project including the possible impact of the project;
- (b) proposed land acquisition;

- (c) new people likely to settle in the sabha area and possible impact on the area and society;
- (d) the proposed participation, amount of compensation, job opportunities, for the people of the village; and
- (e) the rehabilitation and sustainable livelihood plan.

(2) After getting complete information, the concerned Gram Sabha shall be competent to summon the representatives of the concerned authorities and the government to examine them either individually or collectively. It shall be mandatory for all such persons summoned to furnish pointwise clear and correct information.

(3) The Gram Sabha, after considering all the facts shall make a recommendation regarding the proposed land acquisition and rehabilitation plan of persons to be displaced.

(4) The recommendation of the Gram Sabha shall be considered by the land Acquisition Officer.

(5) In case the land Acquisitions Officer is not in agreement with the recommendations of the Gram Sabha, he shall send the case again to the Gram Sabha for reconsideration.

(6) If after a second consultation, the Land Acquisition Officer passes an order against the recommendations of the Gram Sabha, he shall record the reasons for doing so in writing.

(7) In case of industrial projects, the Gram Sabha(s), of whose area is/are influenced by such projects, shall be consulted. In the event of more than one Gram Sabha, in case of difference of opinion amongst the Gram Sabhas, the matter shall be resolved at the Panchayat Samiti level, whose decision thereon shall be final.

(8) The progress report of rehabilitation and sustainable livelihood plan shall be placed before the Gram Sabha after every three months from the date of notification for land acquisition.

(9) If in the opinion of the Gram Sabha, the Panchayat Samiti, as the case may be, suggested measures are not followed, the Gram Sabha may inform the concerned department of the State Government in writing regarding the same, and it shall be mandatory for the said department to take appropriate

10. Planning and management of water resources.—(1) The management and use of water resources shall be planned by the Gram Sabha, as per provisions of section 97-G of the Act, in such a manner that these are kept intact for future generations, and all the villagers have equal rights over these resources. (2) Water bodies within a Gram Panchayat shall be managed by the Gram Panchayat, those extending to more than one Gram Panchayat area, by the Panchayat Samiti concerned and those extending to more than one Panchayat Samiti area, by Zila Parishad. (3) The Gram Panchayat, Panchayat Samiti, Zila Parishad, as the case may be, after consulting the RPMC and the Gram Sabhas concerned, keeping in view its traditions and the spirit of prevalent laws, shall regulate the use of available water in the village for various purposes and also decide about the priority of use. action.

11. Management of land for ponds.—The Gram Panchayat, Panchayat Samiti, Zila Parishad, as the case may be, shall make arrangements for the farming of land available as a consequence of the receding of water level of ponds meant for the irrigation and other purposes, in

consultation RPMC and concerned departments. It shall also decide about the levy rate on that land, keeping in view State Government rules.

12. Fishing etc.—(1) All Gram Sabha members shall have equal rights for fishing as per the convention in the water resources located within the territory of the village. (2) The Gram Panchayat shall impose necessary conditions, keeping in view the local traditions, regarding any aspect of fishing to ensure that one or more persons do not encroach their limit in an unjust manner and also to maintain the availability of the fish.

13. Gram Sabha to plan for minor minerals.—(1) The Gram Sabha, under section 97-H, shall be competent to plan and control the excavation and use of all the minor minerals including soil, stones, sands, etc in the Sabha area. The decision of the Gram Sabha taken in this behalf shall be implemented by the Gram Panchayat concerned.

(2) The sabha members may use minor minerals for their individual needs as per their traditional practice subject to the condition that,—

- (a) the Gram Sabha shall decide the extent of use of the minor minerals such as stone, sand, etc for making Pukka houses different from the traditional dwellings and may also impose royalty thereon which shall form part of the Panchayat fund ;
- (b) the permission of Gram Panchayat shall be compulsory for use and exploitation of minor minerals; and
- (c) the Gram Sabha shall fix the responsibilities such as filling up of pits, planting trees, constructing ponds etc. by persons undertaking excavation for use of minor minerals to compensate for ill effects of excavation.

(3) The concerned department of the State Government may award mining lease for minor minerals only in consultation with Gram Sabha by incorporating additional conditions, if any, imposed by the Gram Sabha for protecting the environment, employment, etc for such leases.

- (4) (a) In villages having commercial feasibility of minor mineral production, before permitting the minor minerals to be used commercially, it shall be the responsibility of the concerned department of the State Government to consult Gram Sabha.
- (b) If any condition has been imposed by the Government for the protection of the environment etc. the concerned officer shall provide complete information to the Gram Sabha in this regard.
- (c) The condition imposed by Gram Sabha about the environment shall not be relaxed at any level.
- (d) The plan for exploitation of minor minerals shall include arrangements such as excavation area, the type of area, managing of ill effects of excavation such as existence of pits, water shortage or reduction in vegetation, effect of ash or smoke on fields, etc. so as to nullify all these effects by filling up the pits, planting trees or by taking other suitable measures.

(5) If any concession is given by any Government department for the exploitation of minor minerals, it shall be mandatory for the said department to obtain the permission of the Gram Sabha for grant of concession for exploitation of minor minerals by auction.

14. Regulation of intoxicants.—(1) The Gram Sabha, under section 97-I (b), shall be competent to enforce prohibition or regulation or restriction on sale and consumption of any intoxicant within its limits for which the Gram Sabha, by a resolution passed in this behalf, may,-

- (a) completely stop the relaxation of allowing tribals to make local liquor for their own use or impose any type of ban on it in the village;
- (b) give instructions to stop the sale of any type of intoxicant from a shop or in any other manner:

Provided that these instructions shall come into force from the forthcoming financial year;

- (c) impose restrictions on bringing in any type of intoxicant or taking it outside the village territory;
- (d) prohibit or fix a limit on the storage of intoxicants at any place;
- (e) completely stop the use of liquor or other intoxicants in its area or impose any restriction;
- (f) regulate the sale of material used for brewing of liquor such as corn, fruits, Jaggrey etc. ; and
- (g) regulate the use of locally made liquor such as anguri, sulphi, chuli, bemi, apple, kiwi, brandy, chhang or known by any other local name.

- (2) (a) The Gram Sabha may constitute an Intoxication Control Committee, consisting of at least seven members to be nominated by the Gram Sabha, to inquire into matters relating to intoxicants either on the basis of complaint(s) or suo motto, and to make suitable suggestions regarding the control of intoxicants for the benefit of the Sabha members: Provided that at least half of the members of the Intoxication Control Committee shall be women.

- (b) The Intoxication Committee shall,-

- (i) ensure as to whether the factories/distilleries manufacturing any type of intoxicants are adhering to all the conditions mentioned in the license and in case of any infringements, report the matter to the Gram Sabha for initiating further action through the competent excise authorities; and
- (ii) ask the owner of the concerned factory/distillery to present all matters relating to the welfare of the people including manufacture of liquor, distribution system, its environmental impact etc. before the Gram Sabha.

- (c) The Gram Sabha through the Pradhan of the Gram Panchayat may take advice and help from the Excise Department for the smooth functioning of the Intoxication Control Committee.

- (3) (a) Without the concurrence of the Gram Sabha, no factory/distillery for manufacturing liquor or other intoxicants shall be established.

- (b) Proposal to establish a factory/distillery to manufacture liquor or other intoxicants or to open a new shop for the sale of liquor in the limits of a Gram

Sabha, by the Government or any other agency, shall be presented before the Gram Sabha for consultation through the Pradhan of the Gram Panchayat. Such proposal shall be presented for the information of the sabha members in the meeting of the Gram Sabha, which shall be considered in the next meeting or in a special meeting of the Gram Sabha. The decision of the Gram Sabha on the said proposal shall be final.

- (c) In case the Gram Sabha does not arrive at any decision on the issue or if the proposal is not considered, then that proposal shall be deemed not to have been accepted.

15. Consultation with Gram Sabha for exploitation of forest produce.—(1) Before chalking out the departmental programme for exploitation of forest produce under section 97-I (a), the Forest Department shall consult the Gram Sabha.

(2) The Forest Department shall ensure that the exploitation of the forest produce is in consonance with the scheme chalked out with people's consent keeping in view the general Forest laws and no such plants/ trees shall be cut which are useful to the local people. It shall also be ensured that there is no illegal export of the forest produce.

(3) Despite any provisions about minor forest produce in any law for the time being in force, the management of forest produce shall be done to protect the right of ownership, access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside the sabha area in consonance with section 3 of the Forest Rights Act, 2006.

(4) The Gram Sabha may chalk out an action plan about the use or exploitation of minor forest produce in consultation with the forest officer concerned.

(5) Gram Sabha may, in case of limited quantity of a minor forest produce, make a cyclic arrangement for its collection and use by a few people such as re-sourceless and economically weaker groups.

(6) Gram Sabha shall be competent to ensure strict compliance of rules for the exploitation of minor forest produce so that the persons collecting minor forest produce do

16. Royalty on minor forest produce.—(1) The Forest Department, keeping in view the sale price of the minor forest produce, from time to time, shall determine and notify the royalty payable by the trader of minor forest produce.

(2) The trader of the minor forest produce shall make an application to the Gram Panchayat concerned through its Pradhan for issue of transit permit for export of minor forest produce.

(3) Immediately after receipt of the application(s), the Pradhan of the Gram Panchayat shall place the same in the meeting of the Gram Panchayat for consideration and approval.

(4) Subject to the approval of the Gram Panchayat, it shall be the duty of the Pradhan to forward the said application(s) to the concerned forest guard of the forest department for recommendations. On receipt of the said application(s), the forest guard shall verify that the species have been extracted from the specified area in accordance with the approved extraction cycle and that the extraction has been done in a sustainable manner and has not caused any ecological or environmental damage in the area and shall return the said application to the Pradhan of the Gram

Panchayat concerned after his written recommendations on the said application(s) for issue of transit permit(s).

(5) After receiving the recommendation of the forest guard, the Pradhan, through the Secretary or the Panchayat Sahayak, as the case may be, shall realize permit fee from the trader(s) for export of minor forest produce against receipt issued in Form-3 appended to the Himachal Pradesh Panchayati Raj (Finance, Budget, Accounts, Audit, Works, Taxation and Allowances) Rules, 2002 at such rates as are notified by the Forest Department of the State Government from time to time.

(6) After the completion of the process mentioned in sub-rules (3) and (4), the transit permit(s) shall be issued to the applicant(s), on the Form specified under the Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 1978, duly signed by the Secretary or the Panchayat Sahayak, as the case may be, and countersigned by the Pradhan of the Gram Panchayat. The duplicate copy of the transit permit shall also be forwarded to the Divisional Forest Officer concerned. not commit any act which damages the forest.

(7) It shall be the duty of Secretary or the Panchayat Sahayak, as the case may be, to give the following details on the transit permit:-

- (a) resolution number and date of meeting in which the Gram Panchayat has approved the matter regarding issue of transit permit;
- (b) the type and quantity of the minor forest produce proposed to be exported;
- (c) the amount of permit fee realized along with the receipt number of the Gram Panchayat; and
- (d) the period for which the transit permit shall be valid:

Provided that the validity of any transit permit, under no circumstances, shall exceed a period of six months from its date of issue.

(8) The amount of fee realized for issue of transit permit for export of minor forest produce shall form part of the Panchayat fund and shall immediately be deposited in the account of the Gram Panchayat in post office or co-operative bank or a scheduled bank, as the case may be, where the Panchayat fund is kept.

(9) It shall be the duty of the Secretary or the Panchayat Sahayak, as the case may be, to place the following details with regard to issue of permit in the Gram Sabha meetings for the information of the sabha members:-

- (a) number of transit permit(s) issued;
- (b) names of the trader(s) to whom the transit permit(s) have been issued;
- (c) types and quantity of the minor forest produce for which transit permit(s) have been issued; and
- (d) amount of permit fee realised.

(10) The Divisional Forest Officer shall maintain the record pertaining to permits issued by the Gram Panchayats, fee realized, type and quantity of minor forest produce for which permits

have been issued so as to have vigil over the cases of illegal export of minor forest produce and misappropriation of funds.

17. Official management of minor forest produce.— (1) If the State Government organizes the trade of any minor forest produce in order to protect tribal interests, that trade shall be treated as trade carried out on behalf of the sabha members, but prior approval of the Gram Sabha shall be compulsory for the said arrangement. On the basis of suggestions of the Gram Sabha, necessary changes shall be carried out in such trade.

(2) In such trade, Gram Sabha and the persons collecting and trading in minor forest produce shall have complete right over net profit.

18. Scheme for minor forests produce.—(1) For meeting the requirements of sabha members such as grazing, fuel wood, making houses and ploughs, the Gram Sabha shall chalk out a scheme for the use of forest resources used traditionally by the people in consultation with the concerned Forest Officer. Under this scheme every person residing in the sabha area shall be able to use the resources after getting written permission from the RPMC.

(2) Gram Sabha may make regulations so as to ensure that the interest of the sabha members for collecting the fuel wood and other minor forest produce are protected.

(3) Gram Sabha may chalk out suitable programmes to conserve the forest, improve the environment and enhance employment at local level in their respective areas.

(4) Gram Sabha shall be competent to make enquiries, despite the departmental permit, about the wood or the forest produce passing through its areas. In the case of a doubt of illegal operations, Gram Sabha through its Pradhan shall be competent to stop it on the spot.

19. Control over markets.—(1) Gram Sabha, under section 97-I (c), through the Gram Panchayat, shall be competent to control and manage the markets within its territory. It shall be the duty of the Gram Panchayat to,-

- (a) make available water, sheds and other physical facilities to the shopkeepers and the consumers in the market;
- (b) prohibit the inflow and sale of harmful objects in the market;
- (c) ensure that the weight, measurement and payment in the transactions are genuine;
- (d) obtain and share information about the prices being charged;
- (e) prohibit all unfair practices, including cheating or misinformation regarding prices;
- (f) prohibit gambling, betting, testing luck, cock-fighting etc. in the market or its surrounding area; and
- (g) levy tax or teh-bazari on the shopkeepers of the market: Provided that no tax or teh-bazari shall be levied on small vendors coming to the market to sell the yield. The Gram Sabha shall be competent to decide who qualifies as a small vender.

(2) Gram Sabha may constitute a Market Committee for the management of the market of the villages in its area. Market Committee shall be accountable for the arrangement of such market

and for keeping peace at the place where the market is held and also for ensuring smooth functioning of the market without any conflict or quarrel.

(3) In case of any dispute the decision of the Market Committee may be challenged in Gram Sabha. The decision of Gram Sabha thereon shall be final.

20. Control over money lending transaction.—(1) Notwithstanding any provisions in any law, as per the spirit of section 4 (m) of the Panchayats (Extension to the Scheduled Areas) Act, 1996 [Act No.40 of 1996], the Gram Sabha, under provisions of section 97-I (d), shall be competent to control money lending transactions of all the sabha members and for this purpose, the Gram Sabha may form a Debt Control Committee consisting of not less than five sabha members to be nominated by the Gram Sabha.

Explanation.—Money lending transactions shall include loan etc. extended by the government, co-operative society, money lenders, banks and other institutions under an Act or privately or informally, as per the convention or otherwise.

(2) Gram Sabha shall be competent to decide the condition of maximum interest and repayment in the matters of private transactions.

(3) Gram Sabha may ask for any information regarding the loan extended by any person or institution to the villagers, its conditions, repayment status etc. In these matters, on being asked for the information, the concerned person or institution shall provide complete information to the Gram Sabha within the reasonable time specified by the Gram Sabha through the Pradhan of the Gram Panchayat.

(4) A sabha member may put up his case in writing or orally before the Gram Sabha or Debt Control Committee regarding any kind of irregularity, corruption in transaction, the recovery proceeding, inability to repay the loan etc. in respect of the loan extended by any institution or person. If there is an oral complaint, it shall be the duty of the Secretary or Panchayat Sahayak of the Gram Panchayat to get the same reduced in writing in this regard and to keep the same in records.

(5) After considering the application mentioned in sub-rule (4) if the Gram Sabha itself or on the basis of the conclusions of the Debt Control Committee finds that there has been injustice with the applicant, it may instruct the concerned institution/person to redress the said injustice.

(6) Gram Sabha, through the Pradhan of the Gram Panchayat especially in the case of the tribals, may instruct a bank, society or any lender that loans be disbursed only in the presence of Gram Sabha or its Debt Control Committee. The same instructions may be issued about the repayment of the loan. The instructions of Gram Sabha shall be binding.

(7) If the concerned institution has any objection with regard to the instructions mentioned in sub-rule (6), it may appeal to the District Collector. The District Collector shall appoint an arbitrator, who shall decide the said appeal, whose decision thereon shall be final.

(8) Gram Sabha may review written, oral and informal agreements of all kinds of labourers in the village and ensure that there is no bonded labour for repayment of loan.

21. Approval of programmes by Gram Sabha.—(1) The Gram Panchayat shall obtain the approval of the Gram Sabha on plans and projects for the sabha area.

(2) Before starting any programme or project in the sabha area, the Gram Panchayat, government department, any other institution, as the case may be, shall submit the proposal before the Gram Sabha through the Pradhan of the Gram Panchayat for its approval and such proposal shall include,—

- (a) the relevance and importance of the programme with reference to the objectives finalized for the development of the village;
- (b) the full financial details of the programme, such as expenditure by government, loan or aid; and
- (c) in matters regarding construction works, their dimension, construction material, use of technology and machines, participation of the local workers, the role of contractors etc.

(3) The Gram Sabha shall approve the plan, programme or project in the form in which it is presented by the concerned institution or approve it with certain conditions as it may deem fit and while giving an approval it may make necessary modifications keeping in mind the situation of the village(s). The decision of the Gram Sabha, in this behalf, shall be final and binding.

22. Compliance of decision of Gram Sabha by Government Departments and Gram Panchayat.—(1) The Gram Panchayat and its committees shall work under control and direction of the Gram Sabha and shall be wholly accountable to the Gram Sabha.

(2) The Gram Panchayat shall function as per the rules made under the Act and in case of any conflict between these rules and directives of the Gram Sabha, the latter shall have precedence.

(3) While using its right under sub-rule (2), if the Gram Sabha takes a decision which causes hindrance or there is possibility of hindrance in the official work of any department or officer, action shall be taken as follows:-

- (a) the representative or the officer of the concerned department shall postpone the action on the disputed matter and present his point of view to the Gram Sabha and with a request to reconsider its decision; and
- (b) if the said department is not satisfied with the decision of the Gram Sabha, it shall refer the matter to District Collector whose decision thereon shall be final.

23. Powers to exercise control over institutions and functionaries.—(1) The Panchayat Samiti, under section 97-I (2)(a), shall be competent to supervise and monitor the functioning of schemes of the departments, namely, Agriculture, Animal Husbandry, Ayurveda, Education, Food and Supplies, Forest, Health and Family Welfare, Horticulture, Industries, Irrigation and Public Health, Public Works, Revenue, Rural Development and Social Justice and Women Welfare. The office bearers of Panchayat Samiti shall be competent to inspect and make report about the physical attendance of the block and village level functionaries of the said departments in their assigned areas of work. (2) The Panchayat Samiti, through its Secretary shall issue directions for field visit by the Block level functionaries of the departments mentioned in sub-rule (1) and also to approve their tour programmes. (3) The Chairman of the Panchayat Samiti shall record his remarks on the annual confidential reports of the Block level functionaries of the departments mentioned in sub-rule (1).

By order,
Sd/-

Secretary, (Panchayati Raj).

HIGH COURT OF HIMACHAL PRADESH, SHIMLA - 171 001**NOTIFICATION***Shimla, 11th January, 2011*

No. HHC/Admn. 3(328)/92.—17 days earned leave with effect from 31.1.2011 to 6.2.2011 with permission to prefix Second Saturday, Sunday and Special casual leave from 8.1.2011 to 30.1.2011 is hereby sanctioned in favour of Sh. Suresh Dhameja, Court Master of this Registry.

Certified that Sh. Suresh Dhameja is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above leave period.

Certified that Sh. Suresh Dhameja would have continued to officiate the same post but for his proceeding on leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171 001**NOTIFICATION***Shimla, 11th January, 2011*

No. HHC/Admn. 3(152)/80.—13 days earned leave w.e.f. 17.1.2011 to 29.1.2011 with permission to affix Sundays falling on 16.1.2011 and 30.1.2011 is hereby sanctioned in favour of Sh. Surinder Singh Chauhan, Deputy Registrar-cum-Special Secretary to Hon'ble the Chief Justice of this Registry.

Certified that Sh. Surinder Singh Chauhan is likely to join the same post and at the same station from where he had proceeds on leave after the expiry of the above leave period.

Certified that Sh. Surinder Singh Chauhan would have continued to officiate the same post of Deputy Registrar-cum-Special Secretary to Hon'ble the Chief Justice but for his proceeding on leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIAMCHAL PRADESH, SHIMLA - 171 001**NOTIFICATION***Shimla, 14th January, 2011*

No. HHC/Admn. 3(204)/84.—17 days earned leave on and w.e.f. 03.02.2011 to 19.2.2011 with permission to suffix Sunday falling on 20.02.2011 is hereby sanctioned in favour of Shri Gautam Saklani, Assistant Registrar, of this Registry.

Certified that Shri Gautam Saklani is likely to join the same post and at the same station from where he had proceeds on leave after the expiry of the above leave period.

Certified that Shri Gautam Saklani would have continued to officiate the same post of Assistant Registrar but for his proceeding on leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA- 171 001

NOTIFICATION

Shimla, the 14th January, 2011

No. HHC/Admn. 6 (24)74-Part.—The High Court of Himachal Pradesh, in exercise of the powers vested U/S 12(2) of the Code of Criminal Procedure, 1973, has been pleased to appoint Judicial Magistrate, 1st Class, Court No.1, Mandi as Additional Chief Judicial Magistrate for Mandi District to look after the urgent work pertaining to the Courts of District & Sessions Judge, Mandi, Additional District & Sessions Judge, Mandi and Presiding Officer, Fast Track Court, Mandi w.e.f. 20.1.2011 to 30.1.2011. This is in supersession of earlier Notification of even number dated 12.1.2011.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA- 171 001

NOTIFICATION

Shimla, the 29th January, 2011

No. HHC/GAZ/14-276/2004.—Hon'ble the Chief Justice has been pleased to grant five days' earned leave w.e.f. 1.2.2011 to 5.2.2011 with permission to suffix Sunday falling on 6.2.2011 in favour of Smt Sheetal Sharma, Civil Judge (Jr. Division)-cum-JMIC, Jawali, District Kangra, H.P.

Certified that Smt Sheetal Sharma is likely to join the same post and at the same station from where she proceeds on leave, after expiry of the above period of leave.

Also certified that Smt Sheetal Sharma would have continued to hold the post of Civil Judge (Junior Division)-cum-JMIC, Jawali, but for her proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171 001**NOTIFICATION***Shimla, the 29th January, 2011*

No. HHC/Admn. 6(23)/74-XIV.—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 2(32) of Chapter 1 of H.P. Financial Rules, 2009, has been pleased to declare the Civil Judge (Sr. Division)-cum-JMIC(I), Nurpur as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Jr. Division)-cum-JMIC, Jawali and also the Controlling Officer for the purpose of T.A. etc. in respect of the establishment attached to the aforesaid Court under Head "2014 –Administration of Justice" during the leave period of Smt Sheetal Sharma w.e.f. 1.2.2011 to 5.2.2011 with permission to suffix Sunday falling on 6.2.2011 or till she returns from leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171 001**NOTIFICATION***Shimla, the 29th January, 2011*

No. HHC/Admn. 3(152)/80-I.—Six days commuted leave on and w.e.f. 17.1.2011 to 22.1.2011 is hereby sanctioned, ex post facto, in favour of Sh. Surinder Singh Chauhan, Deputy Registrar-cum-Special Secretary to Hon'ble the Chief Justice of this Registry and 13 days earned leave sanctioned vide office order No.HHC/Admn.3(152)/80-I-1166-70 dated 11.01.2011, stands cancelled.

Certified that Sh. Surinder Singh Chauhan has joined the same post and at the same station from where he had proceeded on leave after the expiry of the above leave period.

Certified that Sh. Surinder Singh Chauhan would have continued to officiate the same post of Deputy Registrar-cum-Special Secretary to Hon'ble the Chief Justice but for his proceeding on leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**NOTIFICATION***Shimla, the 3rd February, 2011*

No. HHC/GAZ/14-52/74-V.— In the interest of administration, following transfers and posting of the members of H.P. Judicial Service in the cadre of Civil Judges (Junior Division) be and are hereby ordered with immediate effect:-

1. Ms. Akshi Sharma, Civil Judge (Jr. Division)-cum-JM(8), Shimla is transferred and posted as Civil Judge (Jr. Division)-cum-JM(5) Shimla vice Serial No.2 below.

2. Ms. Manisha Goyal, Civil Judge (Junior Division), presently undergoing training in the H.P. Judicial Academy, Shimla, is transferred and posted as Civil Judge (Jr. Division), Court No.8 Shimla vice Serial No.1 above, for the purpose of drawl of salary.

**BY ORDER OF THE HON'BLE HIGH
COURT OF HIMACHAL PRADESH.**

REGISTRAR GENERAL

HIGH COURT OF HIMACHAL PRADESH, SHIMLA - 171 001

NOTIFICATION

Shimla, the 7th February, 2011

No. HHC/GAZ/14-252/2002.—Hon'ble the Chief Justice has been pleased to grant 13 days earned leave w.e.f. 21.2.2011 to 5.3.2011 with permission to prefix Sunday falling on 20.2.2011 and to suffix Sunday falling on 6.3.2011 in favour of Shri Vivek Sharma, Civil Judge (Sr. Division)-cum-JMIC(I), Nurpur.

Certified that Shri Vivek Sharma is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Vivek Sharma would have continued to hold the post of Civil Judge (Jr. Division)-cum-JMIC(I), Nurpur but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA - 171 001

NOTIFICATION

Shimla, the 7th February, 2011

No. HHC/Admn. 6(23)/74-XIII.—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 2(32) of Chapter 1 of H.P. Financial Rules, 2009, has been pleased to declare the Civil Judge (Jr. Division)-cum-JMIC(II), Nurpur as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Sr. Division)-cum-JMIC(I), Nurpur and also the Controlling Officer for the purpose of T.A. etc. in respect of the establishment attached to the aforesaid Court under Head "2014—Administration of Justice" during the leave period of Shri Vivek Sharma, Civil Judge (Sr. Division)-cum-JMIC(I), Nurpur w.e.f. 21.2.2011 to 5.3.2011 with permission to prefix Sunday falling on 20.2.2011 and to suffix Sunday falling on 6.3.2011 or till he returns from leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171 001**NOTIFICATION***Shimla, the 10th February, 2011*

No. HHC/GAZ/14-307/2009.— Pursuant to the Item No.17 of the Himachal Pradesh Government Notification No.Home-B(G)4/95-Vol-III, dated 29.8.2009, three advance increments at the rate of ₹ 770/- per month in the pay scale of ₹ 27700-770-33090-920-40450-1080-44770 are granted in favour of Ms. Kanika Chawla, Civil Judge (Jr. Division)-cum-JMIC(IV), Una on and w.e.f. 2.4.2009.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171 001**NOTIFICATION***Shimla, the 11th February, 2011*

No. HHC/GAZ/14-315/2010.—Hon'ble the Chief Justice has been pleased to grant 20 days earned leave w.e.f. 14.2.2011 to 5.3.2011 with permission to prefix second Saturday and Sunday falling on 12.2.2011 and 13.2.2011 and to suffix Sunday falling on 6.3.2011 in favour of Shri Nikhil Aggarwal, Civil Judge (Jr. Division)-cum-JM(7), Shimla, H.P.

Certified that Shri Nikhil Aggarwal is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Nikhil Aggarwal would have continued to hold the post of Civil Judge (Jr. Division)-cum-JM(7), Shimla, but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171 001**NOTIFICATION***Shimla, the 11th February, 2011*

No. HHC/GAZ/14-320/2010.—Hon'ble the Chief Justice has been pleased to grant 16 days earned leave w.e.f. 14.2.2011 to 1.3.2011 with permission to prefix second Saturday and Sunday falling on 12.2.2011 and 13.2.2011 and to suffix gazetted holiday falling on 2.3.2011 in favour of Shri Aslam Beg, Civil Judge (Jr. Division)-cum-JM(II), Dehra, H.P.

Certified that Shri Aslam Beg is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Aslam Beg would have continued to hold the post of Civil Judge (Jr. Division)-cum-JM(II), Dehra, but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA - 171 001

NOTIFICATION

Shimla, the 11th February, 2011

No. HHC/Admn. 6(23)/74-XIII.—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 2(32) of Chapter 1 of H.P. Financial Rules, 2009, has been pleased to declare the Civil Judge (Sr. Division)-cum-JMIC(6), Shimla as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Jr. Division)-cum-JMIC(7), Shimla and also the Controlling Officer for the purpose of T.A. etc. in respect of the establishment attached to the aforesaid Court under Head "2014 –Administration of Justice" during the leave period of Shri Nikhil Aggarwal, Civil Judge (Jr. Division)-cum-JM(7), Shimla w.e.f. 14.2.2011 to 5.3.2011 with permission to prefix second Saturday and Sunday falling on 12th and 13th February, 2011 and to suffix Sunday falling on 6.3.2011, or till he returns from leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA - 171 001

NOTIFICATION

Shimla the 11th February, 2011

No. HHC/Admn. 6(23)/74-XIII.—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 2(32) of Chapter 1 of H.P. Financial Rules, 2009, has been pleased to declare the Civil Judge (Sr. Division)-cum-JMIC(I), Dehra as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Jr. Division)-cum-JM(II), Dehra and also the Controlling Officer for the purpose of T.A. etc. in respect of the establishment attached to the aforesaid Court under Head "2014 –Administration of Justice" during the leave period of Aslam Beg, Civil Judge (Jr. Division)-cum-JM(II), Dehra w.e.f. 14.2.2011 to 1.3.2011 with permission to prefix second Saturday and Sunday falling on 12.2.2011 and 13.2.2011 and to suffix gazetted holiday falling on 2.3.2011, or till he returns from leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA - 171 001**NOTIFICATION***Shimla, the 11th February, 2011*

No. HHC/Admn. 6(23)/74-XIII.—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 2(32) of Chapter 1 of H.P. Financial Rules, 2009, has been pleased to declare the Civil Judge (Jr. Division)-cum-JMIC(6), Shimla as Drawing and Disbursing Officer in respect of the Court of Civil Judge (Jr. Division)-cum-JMIC(8), Shimla and also the Controlling Officer for the purpose of T.A. etc. in respect of Class-II, III and IV establishment attached to the aforesaid Court under Head "2014 –Administration of Justice" with immediate effect till Miss Manisha Goyal returns from induction training.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171 001**NOTIFICATION***Shimla, the 18th February, 2011*

No. HHC/GAZ/14-228/96.—Hon'ble the Chief Justice has been pleased to grant 15 days earned leave with effect from 19.2.2011 to 5.3.2011 with permission to suffix Sunday falling on 6th March, 2011 in favour of Shri Prem Pal Ranta, Civil Judge (Sr. Division)-cum-CJM, Hamirpur, H.P.

Certified that Shri Prem Pal Ranta is likely to join the same post and at the same station from where he proceeds on leave, after expiry of the above period of leave.

Also certified that Shri Prem Pal Ranta would have continued to hold the post of Civil Judge (Sr. Division)-cum-CJM, Hamirpur but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA - 171 001**NOTIFICATION***Shimla, the 18th February, 2011*

No. HHC/Admn. 6(23)/74-XIII—Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 2(32) of Chapter 1 of H.P. Financial Rules, 2009, has been pleased to declare the Civil Judge (Jr. Division)-cum-JMIC(I), Hamirpur as Drawing and Disbursing Officer

in respect of the Court of Civil Judge (Sr. Division)-cum-CJM, Hamirpur and also the Controlling Officer for the purpose of T.A. etc. in respect of Class-II to IV establishment attached to the aforesaid Court under Head “2014 –Administration of Justice” during the leave period of Shri Prem Pal Ranta, Civil Judge (Sr. Division)-cum-CJM, Hamirpur with effect from 19.2.2011 to 5.3.2011 with permission to suffix Sunday falling on 6th March, 2011 or till he returns from leave.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA - 171 001

NOTIFICATION

Shimla, the 24th February, 2011

No. HHC/Admn. 3(335)/92.—In partial modification of notification of even number dated 11.1.2011, four days unavailed earned leave w.e.f. 8.2.2011 to 11.2.2011 is hereby cancelled and credited in the leave account of Shri Ramesh Chand, Secretary of this Registry.

By order,
Sd/-
Registrar General.

HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171 001

NOTIFICATION

Shimla, the 25th February, 2011

No. HHC/GAZ/14-291/2006.—Hon’ble the Chief Justice has been pleased to grant ex post facto sanction of two days’ commuted leave for 8.2.2011 and 9.2.2011 in favour of Shri Subhash Chand, Civil Judge (Jr. Division)-cum-JMIC, Court No.II, Amb, District Una, H.P.

Certified that Shri Subhash Chand has joined the same post and at the same station from where he proceeded on leave, after expiry of the above period of leave.

Also certified that Shri Subhash Chand would have continued to hold the post of Civil Judge (Jr. Division)-cum-JMIC, Court No.II, Amb, District Una, H.P. but for his proceeding on leave for the above period.

By order,
Sd/-
Registrar General.

ADMINISTRATIVE REFORMS ORGANISATION**NOTIFICATION***Shimla-2, the 4th March, 2011*

No. Per (AR) F (7)-2/98-Vol-II.—In pursuance of sub-rule (3) of Rule 15 of the Right to Information Act, 2005 the Governor of Himachal Pradesh is pleased to constitute a Committee consisting of the following:—

- | | |
|--|----------|
| (i) Shri Prem Kumar Dhumal
Hon'ble Chief Minister | Chairman |
| (ii) Smt. Vidya Stokes
Hon'ble Leader of the Opposition | Member |
| (iii) Shri Ravinder Ravi
Hon'ble IPH Minister | Member |

2. The aforesaid Committee will consider and recommend the name of the State Chief Information Commissioner to operationalise the State Information Commission as envisaged in the Act *ibid*.

By order,
RAJWANT SANDHU
Chief Secretary.

ब अदालत श्री नरेन्द्र सिंह, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, सुजानपुर, जिला हमीरपुर,
हिमाचल प्रदेश

श्री कुशल कुमार पुत्र श्री खुशी राम, टीका व डाकघर सुजानपुर, तहसील सुजानपुर, जिला हमीरपुर,
हिमाचल प्रदेश।

बनाम

आम जनता सुजानपुर

विषय.—दरखास्त व मुराद बराए मृत्यु पंजीकरण बारे।

प्रार्थी ने इस अदालत में शपथ-पत्र सहित आवेदन किया है कि उसकी माता श्रीमती शकुन्तला देवी पत्नी श्री खुशी राम पुत्र श्री नत्थु राम वासी वार्ड नं० 06 सुजानपुर, डाकघर सुजानपुर टीहरा, तहसील सुजानपुर जिला हमीरपुर तारीख 10-12-1994 को फौत हो चुकी है। उसकी मृत्यु पंजीकरण नगर पंचायत सुजानपुर में दर्ज न है। अतः मेरी माता स्व० श्रीमती शकुन्तला देवी की मृत्यु का पंजीकरण नगर पंचायत में करने बारे आदेश करने की अनुकम्पा करें।

अतः सर्वसाधारण एवं आम जनता को बजरिया इश्तहार राजपत्र हिमाचल प्रदेश द्वारा सूचित किया जाता है कि उपरोक्त मृत्यु पंजीकरण करने बारा किसी भी व्यक्ति को कोई उजर या एतराज हो तो वह अदालत हजा में 23-3-2011 को 10.00 बजे प्रातः असालतन या वकालतन हाजर आकर अपना उजर एतराज पेश कर सकता है। बाद पेशी कोई उजर एतराज नहीं सुना जाएगा और मृत्यु पंजीकरण हेतु आदेश पारित कर दिये जाएंगे।

आज दिनांक 21-2-2011 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

नरेन्द्र सिंह,
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
सुजानपुर, जिला हमीरपुर, हिमाचल प्रदेश।

ब अदालत श्री नरेन्द्र सिंह, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, सुजानपुर, जिला हमीरपुर,
हिमाचल प्रदेश

श्री संजय शर्मा पुत्र श्री स्वारू राम, टीका जन्दराल ब्रह्मणा, डाकघर रगड, तहसील सुजानपुर, जिला
हमीरपुर, हिमाचल प्रदेश।

बनाम

आम जनता ग्राम पंचायत रगड

विषय.—दरखास्त मुराद बराए दर्ज करने ग्राम पंचायत रगड।

प्रार्थी ने इस कार्यालय में शपथ-पत्र सहित आवेदन किया है कि उसकी शगुन शर्मा का जन्म
25-7-2008 को हुआ किसी कारणवश मैं अपनी लड़की का नाम ग्राम पंचायत रगड में दर्ज न करवा सका
अतः महोदय जी से निवेदन है कि मेरी लड़की का नाम ग्राम पंचायत रगड में दर्ज करने के आदेश पारित
किए जाएं।

अतः सर्वसाधारण एवं आम जनता को बजरिया इश्तहार राजपत्र हिमाचल प्रदेश द्वारा सूचित किया
जाता है कि उपरोक्त नाम का पंजीकरण करने बारे किसी भी व्यक्ति को कोई उजर या एतराज हो तो वह
दिनांक 23-3-2011 को 10.00 बजे प्रातः असालतन या वकालतन हाजर आकर अपना उजर एतराज पेश कर
सकता है। बाद पेशी कोई उजर एतराज मान्य न होगा और ग्राम पंचायत रगड में नाम दर्ज करने हेतु आदेश
पारित कर दिये जाएंगे।

आज दिनांक 23-2-2011 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

नरेन्द्र सिंह,
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
सुजानपुर, जिला हमीरपुर, हिमाचल प्रदेश।

ब अदालत श्री नरेन्द्र सिंह जसवाल, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, सुजानपुर, जिला हमीरपुर,
हिमाचल प्रदेश

श्री कांशी राम पुत्र श्री हीरा राम, टीका वल्ला राठियां, मौजा भलेठ, तहसील सुजानपुर, जिला हमीरपुर,
हिमाचल प्रदेश।

बनाम

आम जनता

विषय.—दरखास्त बराए नाम दुरुस्ती बारे।

प्रार्थी ने इस अदालत में शपथ-पत्र सहित आवेदन किया है कि उसका नाम स्कूल प्रमाण-पत्रों में जय राम है जबकि कागजात माल में कांशी राम है यह कि जय राम और कांशी राम मेरा ही नाम है और मुझे दोनों नामों से जाना व पहचाना जाता है। अतः महोदय से निवेदन है कि कागजात माल में मेरा नाम कांशी राम उर्फ जय राम किया जाए

अतः सर्वसाधारण एवं आम जनता को बजरिया इश्तहार राजपत्र हिमाचल प्रदेश द्वारा सूचित किया जाता है कि उपरोक्त नाम की दुरुस्ती बारे किसी भी व्यक्ति को कोई उजर या एतराज हो तो वह अदालत हजा में दिनांक 28-3-2011 को 10.00 बजे प्रातः असागतन या वकालतन हाजर आकर अपना उजर एतराज पेश कर सकता है। बाद पेशी कोई उजर एतराज नहीं मान्य नहीं होगा और नाम दुरुस्ती बारे आदेश पारित कर दिये जाएंगे।

आज दिनांक 24-2-2011 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

नरेन्द्र सिंह,
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
सुजानपुर, जिला हमीरपुर, हिमाचल प्रदेश।

ब अदालत श्री नरेन्द्र सिंह जसवाल, नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी, सुजानपुर, जिला हमीरपुर, हिमाचल प्रदेश

श्री मनोज कुमार पुत्र श्री धर्म चन्द, टीका व डाकघर टीहरा, तहसील सुजानपुर, जिला हमीरपुर, हिमाचल प्रदेश।

बनाम

आम जनता टीहरा

विषय.—दरखास्त जन्म प्रमाण- पत्र पंजीकरण करने बारे।

प्रार्थी ने इस अदालत में शपथ-पत्र सहित आवेदन किया है कि मेरे यहां 21 जुलाई, 2007 को आदित्य नाम बेटे का जन्म हुआ किसी कारणवश मैं अपने बेटे का जन्म ग्राम पंचायत टीहरा में दर्ज न करवा सका। अतः महोदय से प्रार्थना है कि मेरे बेटे का जन्म पंजीकरण करने हेतु ग्राम पंचायत टीहरा को आदेश पारित किए जाए आपकी महान अनुकम्पा होगी।

अतः सर्वसाधारण एवं आम जनता को बजरिया इश्तहार राजपत्र हिमाचल प्रदेश द्वारा सूचित किया जाता है कि उपरोक्त नाम पंजीकरण करने हेतु किसी भी व्यक्ति को कोई उजर या एतराज हो तो वह अदालत हजा में दिनांक 23-3-2011 को प्रातः 10.00 बजे असागतन या वकालतन हाजर आकर अपना उजर एतराज पेश कर सकता है। बाद पेशी कोई उजर एतराज मान्य न होगा और नाम पंजीकरण करने हेतु आदेश पारित कर दिये जाएंगे।

आज दिनांक 17-2-2011 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

नरेन्द्र सिंह जसवाल,
नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,
सुजानपुर, जिला हमीरपुर, हिमाचल प्रदेश।

ब अदालत श्री शिव राम शर्मा, कार्यकारी दण्डाधिकारी, तहसील मनाली, हिमाचल प्रदेश

Krishna Bahadur Gurung s/o Sh. Bahadur, निवासी व डाकघर वांहग, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश।

बनाम

आम जनता

विषय.—प्रकाशन इश्तहार बावत जन्म तिथि पंजीकरण जेर धारा 13 (3) जन्म एवं मृत्यु अधिनियम, 1969.

नोटिस बनाम आम जनता।

Krishna Bahadur Gurung s/o Sh. Bahadur, निवासी व डाकघर वांहग मनाली, तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश ने इस न्यायालय में आवेदन-पत्र मय शपथ-पत्र गुजारा है कि उसका पुत्र Tenzin Gurung जो दिनांक 2-2-2005 को पैदा हुआ है परन्तु उसकी जन्म तिथि ग्राम पंचायत वशिष्ट के रिकार्ड में दर्ज न की गई है, जिसे अब दर्ज करवाने के आदेश सादर फरमाये जावे।

अतः सर्वसाधारण को इस इश्तहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को Tenzin Gurung की जन्म तिथि दर्ज करवाने बारे आपत्ति हो तो वह दिनांक 14-3-2011 को या इससे पूर्व अदालत हजा में अपनी आपत्ति दर्ज करवा सकता है। इसके उपरान्त कोई भी उजर व एतराज समायत न होगा तथा नियमानुसार जन्म तिथि दर्ज करवाने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 10-2-2011 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

शिव राम शर्मा,
कार्यकारी दण्डाधिकारी,
तहसील मनाली, जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री राज कुमार वर्मा, सहायक समाहर्ता द्वितीय श्रेणी, थुरल, जिला कांगड़ा, हिमाचल प्रदेश

मुकद्दमा तकसीम नं० 6/2009/एस0टी0टी0

तारीख पेशी : 1/4/2011

श्री शुभकर्ण पुत्र श्री चजू राम, निवासी गढ खास, मौजा गढ जमूला, उप-तहसील थुरल, जिला कांगड़ा (हि० प्र०) . . प्रार्थीगण।

बनाम

श्री उत्तम चन्द आदि

. . प्रतिवादीगण।

सम्मन बनाम : 1. श्रीमती वीना पुत्री श्री सूरजू, निवासी महाल गढ खास, मौजा व उप-तहसील थुरल, जिला कांगड़ा (हि० प्र०) . . प्रतिवादीगण।

विषय.—तकसीम भूमि खाता नं० 27, खतौनी नम्बर 30, खसरा कित्ता 3, रकवा तादादी 0-01-78 हैक०, बाक्या महाल गढ खास, मौजा गढ जमूला, उप-तहसील थुरल, जिला कांगड़ा।

इश्तहार मुस्त्री मुनादी :

श्री शुभकर्ण निवासी महाल गढ खास, मौजा गढ जमूला, उप-तहसील थुरल, जिला कांगड़ा ने अदालत में खाता नं० 27 की तकसीम दायर कर रखी है जिसमें उक्त वर्णित प्रतिवादीगण की तामील बार-बार समन जारी करने पर नहीं हो पा रही है। और न ही प्रार्थी को इनका सही पता मालूम है। प्रार्थी ने इनका सही पता प्राप्त न होने बारे अपनी असमर्थता जताई है। अतः अदालत को विश्वास हो गया है कि उक्त प्रतिवादीगण की तामील साधारण तरीके से नहीं हो सकती है।

अतः उक्त वर्णित प्रतिवादी को इस इशतहार मुस्त्री मुनादी द्वारा सूचित किया जाता है कि वह उक्त मुकद्दमा की पैरवी हेतु असालतन या वकालतन तारीख पेशी 1-4-2011 को हाजिर अदालत होकर पैरवी मुकद्दमा करें। बाद तारीख पेशी किसी किस्म का उजर एवं एतराज नहीं सुना जावेगा व एकतरफा कार्यवाही अमल में लाई जाकर अगामी आदेश पारित कर दिया जावेगा।

यह इशतहार व मोहर अदालत से आज दिनांक 21-2-2010 को जारी हुआ।

मोहर।

राज कुमार वर्मा,
सहायक समाहर्ता द्वितीय श्रेणी,
थुरल, जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत श्री राज कुमार वर्मा, सहायक समाहर्ता द्वितीय श्रेणी, थुरल, जिला कांगड़ा, हिमाचल प्रदेश

मुकद्दमा तकसीम नं० 8/2009/एस0टी0टी0

तारीख पेशी : 1/4/2011

श्री शुभकर्ण पुत्र श्री चज्जू राम, निवासी गढ खास, मौजा गढ जमूला, उप-तहसील थुरल, जिला कांगड़ा (हि० प्र०) . . प्रार्थीगण।

बनाम

श्री उत्तम चन्द आदि

. . प्रतिवादीगण।

सम्मन बनाम : 1. श्रीमती वीना पुत्री श्री सूरजू वासी गढ खास, मौजा व उप-तहसील थुरल, जिला कांगड़ा (हि० प्र०) . . प्रतिवादीगण।

विषय.—तकसीम भूमि खाता नं० 26, खतौनी नम्बर 29, खसरा कित्ता 4, रकवा तादादी 0-07-91 हैक०, बाक्या महाल गढ खास, मौजा गढ जमूला, उप-तहसील थुरल, जिला कांगड़ा।

इशतहार मुस्त्री मुनादी :

श्री शुभकर्ण निवासी महाल गढ खास, मौजा गढ जमूला, उप-तहसील थुरल, जिला कांगड़ा ने अदालत में खाता नं० 26 की तकसीम दायर कर रखी है जिसमें उक्त वर्णित प्रतिवादीगण की तामील बार-बार समन जारी करने पर नहीं हो पा रही है। और न ही प्रार्थी को इनका सही पता मालूम है। प्रार्थी ने इनका सही पता प्राप्त न होने बारे अपनी असमर्थता जताई है। अतः अदालत को विश्वास हो गया है कि उक्त प्रतिवादीगण की तामील साधारण तरीके से नहीं हो सकती है।

अतः उक्त वर्णित प्रतिवादी को इस इशतहार मुस्त्री मुनादी द्वारा सूचित किया जाता है कि वह उक्त मुकद्दमा की पैरवी हेतु असालतन या वकालतन तारीख पेशी 1-4-2011 को हाजिर अदालत होकर पैरवी मुकद्दमा करें। बाद तारीख पेशी किसी किस्म का उजर एवं एतराज नहीं सुना जावेगा व एकतरफा कार्यवाही अमल में लाई जाकर अगामी आदेश पारित कर दिया जावेगा। ।

यह इशतहार व मोहर अदालत से आज दिनांक 21-2-2010 को जारी हुआ।

मोहर।

राज कुमार वर्मा,
सहायक समाहर्ता द्वितीय श्रेणी,
थुरल, जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत जनाब नरेश कुमार, तहसीलदार एवं सहायक समाहर्ता प्रथम श्रेणी, ज्वाली, जिला कांगड़ा,
हिमाचल प्रदेश

श्री अशोक कुमार पुत्र श्री हरनाम सिंह, निवासी खरोच, तहसील ज्वाली, जिला कांगड़ा (हि0 प्र0)

बनाम

आम जनता

विषय.—नाम की दुरुस्ती बारे।

श्री अशोक कुमार पुत्र श्री हरनाम सिंह, निवासी खरोच, तहसील ज्वाली, जिला कांगड़ा (हि0 प्र0) ने इस न्यायालय में प्रार्थना-पत्र दिया है कि उसका नाम पंचायत रिकार्ड, शिक्षा प्रमाण-पत्र व फोटो पहचान-पत्र में अशोक कुमार दर्ज है, तथा राजस्व रिकार्ड में सुरिन्द्र सिंह दर्ज है। जबकि यह दोनों नाम एक ही आदमी के हैं। इसलिए प्रार्थी अपना नाम राजस्व रिकार्ड में अशोक कुमार उर्फ सुरिन्द्र सिंह दर्ज करवाना चाहता है।

अतः इस इशतहार राजपत्र द्वारा आम जनता को सूचित किया जाता है कि उक्त नाम की दुरुस्ती बारे किसी को कोई एतराज हो तो वह दिनांक 9-5-2011 को सुबह 10.00 बजे न्यायालय में अदालतन या वकालतन उपस्थित होकर पेश कर सकता है अन्यथा हाजिर न होने की सूरत में यकतरफा कार्यवाही अमल में लाई जाकर नाम दुरुस्त करने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 2011 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

नरेश कुमार,
तहसीलदार एवं सहायक समाहर्ता,
ज्वाली, जिला कांगड़ा, हिमाचल प्रदेश।

**In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Sadar Mandi, District
Mandi, Himachal Pradesh**

In the matter of :

1. Shri Mast Ram s/o Shri Chaudhary Ram, r/o Village Upper Palwahan, Tehsil Sarkaghat, District Mandi (H. P.).
2. Shrimati Anupam d/o Shri Chet Ram, r/o H. No. 256/5 (Near Zonal Hospital, Mandi Town, District Mandi, H.P. (At present wife of Shri Mast Ram s/o Shri Chaudhary Ram, r/o Village Upper Palwahan, Tehsil Sarkaghat, District Mandi (H.P.)
.. Applicants.

Versus

General public

Subject.—Application for the registration of marriage under section 15 of Special Marriage Act, 1954.

Shri Mast Ram s/o Shri Chaudhary Ram, r/o Village Upper Palwahan, Tehsil Sarkaghat, District Mandi (H. P.) and Shrimati Anupam d/o Shri Chet Ram, r/o H. No. 256/5 (Near Zonal Hospital, Mandi Town, District Mandi, H.P. (At present wife of Shri Mast Ram s/o Shri Chaudhary Ram, r/o Village Upper Palwahan, Tehsil Sarkaghat, District Mandi (H.P.) have filed an application alongwith affidavits in the Court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 16-2-2011 according to Hindu rites and customs at Tarna Temple, Mandi Town, District Mandi, H. P. and they are living together as husband and wife since then, hence their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing before this court on or before 1st April, 2011 after that no objection will be entertained and marriage will be registered.

Issued today on 26th day of February, 2011 under my hand and seal of the court.

Seal.

Sd/-

*Marriage Officer-cum-Sub-Divisional Magistrate,
Sadar Mandi, District Mandi (H. P.).*

ब अदालत नायब तहसीलदार एवं सहायक समाहर्ता, द्वितीय श्रेणी, उप-तहसील कोटली, जिला मण्डी,
हिमाचल प्रदेश

श्री गुडू राम पुत्र श्री शुकूरु पुत्र श्री फागणू, निवासी महाल घरवाण, डाकघर कोटली, इलाका तुंगल,
उप-तहसील कोटली, जिला मण्डी, हिमाचल प्रदेश प्रार्थी।

बनाम

आम जनता

प्रत्यार्थीगण।

प्रार्थना—पत्र नाम दुरुस्ती राजस्व अभिलेख।

श्री गुडू राम पुत्र श्री शुकूरु, निवासी महाल घरवाण, उप-तहसील कोटली, जिला मण्डी, हिमाचल प्रदेश ने इस आशय से इस अदालत में प्रार्थना—पत्र गुजारा हे कि मेरा वास्तविक नाम गुडू राम है जो ग्राम पंचायत अभिलेख व बच्चों के स्कूल प्रमाण—पत्रों में दर्ज है। परन्तु राजस्व अभिलेख में मेरा घरेलू नाम जिन्द पुत्र शुकूरु दर्ज किया गया है। अतः राजस्व अभिलेख में मेरा नाम गुडू राम दर्ज करने के आदेश दिए जावे।

सर्वसाधारण को बजरिया राजपत्र इश्तहार सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त नाम दुरुस्ती बारे कोई उजर/एतराज हो तो वह असालतन या वकालतन मिति 21-3-2011 या इससे पहले हाजिर अदालत होकर पेश कर सकता है। इसके बाद कोई उजर/एतराज न सुना जाएगा तथा नाम दुरुस्ती के आदेश दे दिए जाएंगे।

आज दिनांक 25-2-2011 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—

नायब तहसीलदार एवं सहायक समाहर्ता, द्वितीय श्रेणी,
उप-तहसील कोटली, जिला मण्डी, हिमाचल प्रदेश।

ब अदालत श्री अरुण शर्मा, तहसीलदार एवं कार्यकारी दण्डाधिकारी, चौपाल, जिला शिमला (हि0 प्र0)

श्री प्रेम लाल पुत्र श्री नन्द राम, ग्राम वासी भाबर, परगना बम्टा, तहसील चौपाल, जिला शिमला (हि0 प्र0)

बनाम

आम जनता

प्रार्थना-पत्र बाबत जेर धारा 13(3) जन्म व मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

श्री प्रेम लाल पुत्र श्री नन्द राम, ग्राम वासी भाबर, परगना बम्टा, तहसील चौपाल, जिला शिमला ने इस कार्यालय में प्रार्थना-पत्र गुजारा है कि उनके पुत्र का नाम वरुण नामटा है जिसकी जन्म तिथि 16-5-2008 है जो सही व दुरुस्त है। प्रार्थी अपने पुत्र का नाम अज्ञानतावश पंचायत रिकार्ड में दर्ज न करवा सका। जिसे दर्ज करने के लिए प्रार्थी ने उपरोक्त धारा के अन्तर्गत इस कार्यालय में प्रार्थना-पत्र गुजारा है।

अतः सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति रिश्तेदारों को उक्त जन्म तिथि पंचायत अभिलेख में पंजीकरण होने में कोई आपत्ति/एतराज हो तो वह निश्चित तिथि दिनांक 19-3-2011 को इस न्यायालय में असालतन या वकालतन हाजर हो कर अपनी आपत्ति या एतराज प्रस्तुत कर सकता है। हाजिर न आने की सूरत में कार्यवाही एकतरफा अमल में लाई जावेगी।

आज दिनांक 9-2-2011 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

अरुण शर्मा,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
चौपाल, जिला शिमला (हि0 प्र0)।

ब अदालत श्री बी0 एस0 गर्ग, कार्यकारी दण्डाधिकारी, नाहन, जिला सिरमौर, हिमाचल प्रदेश

श्रीमती संजना पत्नी स्व0 श्री प्रशान्त कुमार, निवासी बाल्मिकी वस्ती नाहन, तहसील नाहन, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

आम जनता

उपरोक्त प्रार्थना-पत्र श्रीमती संजना पत्नी स्व0 श्री प्रशान्त कुमार, निवासी बाल्मिकी वस्ती नाहन, तहसील नाहन, जिला सिरमौर, हिमाचल प्रदेश ने अधीन धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम,

1969 के अन्तर्गत प्रस्तुत करके प्रार्थना की है कि उनके पुत्र प्रभात जिसकी जन्म तिथि 20-11-2008 है, का नाम सैन-की-सैर के रिकार्ड में दर्ज नहीं करवाया गया है। जिसे प्रार्थी अब दर्ज करवाना चाहता है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 31-3-2011 को सुबह दस बजे इस अदालत में उपस्थित आकर प्रस्तुत करें, बसूरत दीगर प्रभात का नाम एवं जन्म तिथि को दर्ज करने के आदेश जारी कर दिए जावेंगे।

आज दिनांक 17-2-2011 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

बी0 एस0 गर्ग,
कार्यकारी दण्डाधिकारी,
नाहन, जिला सिरमौर, हिमाचल प्रदेश।

ब अदालत श्री बी0 एस0 गर्ग, कार्यकारी दण्डाधिकारी, नाहन, जिला सिरमौर, हिमाचल प्रदेश

श्री विक्रम सिंह पुत्र श्री अमर नाथ, निवासी ग्राम देवनी, तहसील नाहन, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

आम जनता

उपरोक्त प्रार्थना-पत्र श्री विक्रम सिंह पुत्र श्री अमर नाथ, निवासी ग्राम देवनी, तहसील नाहन, जिला सिरमौर, हिमाचल प्रदेश ने अधीन धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत प्रस्तुत करके प्रार्थना की है कि उनके पुत्र साधु राम की मृत्यु तिथि 16-10-2006 है, की मृत्यु तिथि ग्राम पंचायत देवनी के रिकार्ड में दर्ज नहीं करवाई गई है। जिसे प्रार्थी अब दर्ज करवाना चाहता है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह स्वयं अथवा अपने प्रतिनिधि द्वारा मिति 31-3-2010 को सुबह दस बजे इस अदालत में उपस्थित आकर प्रस्तुत करें, बसूरत दीगर विक्रम सिंह की मृत्यु तिथि को दर्ज करने के आदेश जारी कर दिए जावेंगे।

आज दिनांक 9-2-2011 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

बी0 एस0 गर्ग,
कार्यकारी दण्डाधिकारी,
नाहन, जिला सिरमौर, हिमाचल प्रदेश।

कार्यालय जिला निर्वाचन अधिकारी (पंचायत) एवं उपायुक्त, जिला सिरमौर, नाहन, हिमाचल प्रदेश

शुद्धि-पत्र

नाहन-173001, 24 दिसम्बर, 2010

संख्या पीसीएन-एसएमआर(5)174/2010-10170-80.—यह कि इस कार्यालय की समसंख्यक अधिसूचना 9892-9900, दिनांक 10-12-2010 द्वारा विकास खण्ड वार अधिसूचित किए गए मतदान केन्द्रों, जिनका विवरण निम्न सारणी की कॉलम संख्या 5 में दिया गया है, उनमें आंशिक संशोधन/परिवर्तन कर उनके स्थान पर कॉलम संख्या 06 में दर्शाए गए मतदान केन्द्रों को घोषित किया जाता है :—

विवरण

क्रम संख्या	विकास खण्ड का नाम	ग्राम पंचायत का नाम	वार्ड संख्या व नाम	अधिसूचित किए गए मतदान केन्द्र का नाम	संशोधित मतदान केन्द्र का नाम
1	2	3	4	5	6
1	पांवटा साहिब	शावगा	वार्ड नं० 6 छितली	रा०प्रा०पा० पमता कमरा नं०-2	रा०मा०पा० छितली कमरा नं०-2

हस्ताक्षरित /—
जिला निर्वाचन अधिकारी (पं०) एवं उपायुक्त,
जिला सिरमौर, नाहन (हि० प्र०)।

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION SHIMLA

NOTIFICATION

Shimla, the, 4th March 2011

No. HPERC/Dis/479.—Whereas section 61 of the Electricity Act, 2003, provides that the Appropriate Commission shall specify the terms and conditions for the determination of tariff, and in doing so, shall be guided by the National Tariff Policy formulated under the said Act;

And Whereas the Himachal Pradesh Electricity Regulatory Commission has framed the HPERC ((Terms and Conditions for Determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2007;

And Whereas subsequent to the framing of regulations by the Commission, changes have been in the National Tariff Policy;

And Whereas the Himachal Pradesh Electricity Regulatory Commission is making an exercise to determine the tariff for distribution licensees for the next control period starting from 1st April, 2011 and keeping in view the changes in the National Tariff Policy and methodologies of the Central Commission amongst others it has become necessary to amend/modify the existing regulations;

Now, therefore, in exercise of the powers conferred by clauses (zd), (ze) and (zf) of sub-section (2) of section 181, read with sections 61, 62 and 86, of the of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, the Himachal Pradesh Electricity Regulatory Commission proposes to make the following regulations for determination of wheeling tariff and retail supply tariff applicable to the distribution licensees and hereby publishes the proposed draft regulations, as required by sub-section (3) of section 181 of the said Act, read with rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft regulations will be taken into consideration, after the expiry of 21 days from the date of their publication in the Rajpatra, Himachal Pradesh, together with any objections or suggestions which may within the aforesaid period be received in respect thereto.

The objections or suggestions in this behalf should be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Keonthal Commercial Complex, Khalini, Shimla-171002.-

DRAFT REGULATIONS

PART-I

PRELIMINARY

1. Short title, extent and commencement.—(1) These regulations shall be called the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2011.

(2) These regulations shall extend to the whole of the State of Himachal Pradesh.

(3) These regulations shall come into force with effect from 1st April 2011.

2. Definitions.—In these regulations, unless the context otherwise requires,-

(1) “**Act**” means the Electricity Act, 2003 (36 of 2003);

(2) “**aggregate revenue requirement**” or “**ARR**” means the costs pertaining to the licensed business which are permitted, in accordance with these regulations, to be recovered from the tariffs and charges determined by the Commission;

(3) “**allocation statement**”.—means for each financial year, a statement in respect of each of the businesses (wheeling, retail supply, other business) of the licensee, showing the amounts of any revenue, cost, asset, liability, reserve or provision etc, which has been either, -

(a) determined by apportionment or allocation between different businesses of the licensee including the licensed business, together with a description of the basis of the apportionment or allocation; or

(b) charged from or to each such other business together with a description of the basis of that charge;

(4) “**Appendix**”.—means the appendix to these regulations;

(5) “**base year**”.—means the financial year immediately preceding first year of the control period and used for the purposes of these regulations;

(6) “**change in law**”.—means occurrence of any of the following events:-

(a) the enactment, bringing into effect, adoption, promulgation, amendment, modification or repeal of any law, or

(b) change in interpretation of any law by a competent court, Tribunal or Indian Governmental Instrumentality which is the final authority under law for such interpretation, or (c) change by any competent statutory authority, in any consent, approval or licence available or obtained for the project;

-
- (7) **“Commission”**.—means the Himachal Pradesh Electricity Regulatory Commission as referred to in sub section (1) of section 82 of the Act;
- (8) **“Conduct of Business Regulations”**.—means the Conduct of Business Regulations specified by the Commission under sub-section (1) of section 92 of Act;
- (9) **“control period”**.—means a multi-year period fixed, by the Commission, from time to time, for which the principles of determination of revenue requirement and tariff will be laid down;
- (10) **“distribution business”**.—means authorised business of a distribution licensee to operate and maintain a distribution system for supplying electricity to the consumers in an area of supply;
- (11) **“financial year”**.—means a period commencing on 1st April of a calendar year and ending on 31st March of the subsequent calendar year;
- (12) **“licence”**.—means a licence granted under section 14 of the Act;
- (13) **“licensed business”**.—means the functions and activities, which the licensee is required to undertake in terms of the licence granted by the Commission or being a deemed licensee under the Act;
- (14) **“licensee”**.—means a person who has been granted a licence and shall include a deemed licensee;
- (15) **“non-tariff income”**.—means income relating to the licensed business other than from tariff (wheeling and retail supply), and excluding any income from other business, cross-subsidy surcharge and additional surcharge;
- (16) **“other business”**.—means any business of the distribution licensee other than the licensed business;
- (17) **“retail supply business”**.—means the business of sale of electricity by a distribution licensee to the consumers within the area of supply in accordance with the terms of the licence for distribution and retail supply of electricity;
- (18) **“retail supply tariff”**.—means the rate charged by the distribution licensee for supply to non-open access customers and includes charges for wheeling and retail supply;
- (19) **“State”**.—means the State of Himachal Pradesh;
- (20) **“trading business”**.—means the authorised business of an electricity trader in the area of operation allowed under the trading licence granted;
- (21) **“trading licence”**.—means the licence granted under section 14 of the Act to undertake trading in electricity;
- (22) **“wheeling”**.—means the operation whereby the distribution system and associated facilities of a distribution licensee are used by another person for the

conveyance of electricity on payment of charges to be determined under section 62;

- (23) **“wheeling business”**.—means the business of operating and maintaining a distribution system for conveyance of electricity in the area of supply of the distribution licensee;
- (24) **“year”**.—means a financial year.
- (25) The words and expressions used and not defined in these regulations, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

PART-II

GUIDING PRINCIPLES

3. General Approach.—(1) In accordance with the principles laid in these regulations, the Commission shall determine the tariff for –

- (a) wheeling of electricity, i.e. wheeling tariff;
- (b) retail sale of electricity, i.e. retail supply tariff:

Provided that in case of distribution of electricity in the same area by two or more distribution licensees, the Commission may, for promoting competition amongst distribution licensees, fix only maximum ceiling of tariff for retail sale of electricity:

Provided further that where the Commission has permitted open access to any category of consumers under section 42 of the Act, the Commission shall determine the wheeling tariff, cross-subsidy surcharge, additional surcharge and other open access related charges in accordance with these regulations and Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge and Phasing of Cross Subsidy) Regulations, 2006.

- (2) In accordance with the principles laid in these regulations, the Commission shall determine the aggregate revenue requirement (ARR) and tariff for -
 - (a) wheeling business; and
 - (b) retail supply business.
- (3) The aggregate revenue requirement (ARR) determined for the wheeling business shall be used in fixation of the wheeling tariff.
- (4) The aggregate revenue requirement (ARR) determined for retail supply business shall be used in fixation of the retail supply tariff for retail sale of electricity.
- (5) The Tariff determined by the Commission and the directions given in the tariff order made by the Commission shall be the quid pro quo and mutually inclusive. The tariff determined shall, within the period specified by it, be subject to the compliance of the directions to the satisfaction of the Commission and their noncompliance shall lead to such amendment, revocation, variations and alterations of the tariff, as may be ordered by the Commission.

- (6) The tariff order shall, unless amended or revoked, continue to be in force for such period as may be specified in the tariff order. In the event of failure on the part of the licensee to file the aggregate revenue requirement (ARR) under Part-IV, the tariff determined by the Commission shall cease to operate, unless allowed to be continued for a further period with such variations, or modifications, as may be ordered by the Commission.

4. Multi Year Tariff (MYT) Framework.—The Commission shall adopt multi year tariff framework for approval of ARR and expected revenue from tariffs and charges for the control period. The multi year tariff framework shall be based on the following: -

- (a) **Business plan** of the distribution licensee for the entire control period to be submitted to the Commission for approval, prior to the beginning of the control period;
- (b) **Applicant's forecast of expected wheeling tariff and retail supply** tariff for each year of the control period, based on reasonable assumptions of the underlying financial and operational parameters, as submitted in the business plan;
- (c) **Trajectory for specific parameters** shall be stipulated by the Commission, where the performance of the applicant is sought to be improved through incentives and disincentives;
- (d) **Annual review of performance** shall be conducted vis-à-vis the approved forecast and categorization of variations in performance into controllable factors and uncontrollable factors;
- (e) **Profit sharing** shall be applied on the profits arising from the distribution licensee's better performance vis-à-vis distribution loss targets specified by the Commission. Distribution licensee shall be free to utilise its share in the profit.
- (f) **Variation in revenue/cost** on account of uncontrollable factors like sales and power purchase shall be tried up.

5. Segregation of Wheeling and Retail Supply Business.—(1) The distribution licensee shall segregate the accounts of the licensed business into wheeling business and retail supply business. The ARR for wheeling business shall be used to determine wheeling charges and the ARR for retail supply business to determine retail supply tariff.

- (2) Till such time there is complete segregation of accounts, the licensees shall prepare an allocation statement to apportion costs and revenues to respective business. The allocation statement, approved by the board of directors/ whole time directors of the licensee, shall be accompanied with an explanation of the methodology which should be consistent over the control period.

6. Determination of Baseline.—The baseline values (operating and cost parameters) for the base year of the control period shall be determined by the Commission and shall be based on the approved values by the Commission, the latest audited accounts, estimate of the actuals for the relevant year, prudence check and other factors considered appropriate by the Commission. The Commission may re-determine the baseline values for the base year based upon the actual audited accounts of the base year.

7. Targets for Controllable Parameters.—The Commission shall set targets for each year of the control period for the items or parameters that are deemed to be “controllable” and which will include-

- (a) **Distribution losses**, which shall be measured as the difference between total energy input for sale to all its consumers and sum of the total energy billed in its licence area in the same year;
- (b) **Operation and Maintenance Expenditure** which includes employee expenses, repairs and maintenance expenses, administration and general expenses and other miscellaneous expenses viz. audit fees, rents, legal fees etc;
- (c) **Financing cost** which includes cost of debt including working capital (interest), cost of equity (return);
- (d) **Depreciation**; and
- (e) **Quality of Supply.**

8. Sales Forecast.—(1) The Commission, based on the licensee’s filings, shall examine the forecast for reasonableness and consistency, and shall approve the sales forecast for each year of the control period.

- (2) Sales shall be treated as uncontrollable:

Provided that the open access transactions shall not form part of sales.

- (3) Power purchase quantum and cost for any financial year shall be computed on the basis of distribution loss targets and the estimated sales.

9. Capital Investment.—(1) The Commission shall approve capital investment plan of the licensees for the control period commensurate with load growth, rural electrification, system extension, distribution loss reduction and quality improvement proposed in the business plan.

- (2) Capital investment plan submitted by the licensee shall also provide details of on going projects that will spill into the control period and new projects that will commence during the control period but may extend beyond the control period.
- (3) The investment plan shall be circle –wise/ scheme-wise and with respect to each circle/scheme shall include-

- (a) purpose of investment (i.e. replacement of existing assets, meeting load growth, technical loss reduction, non-technical loss reduction, meeting reactive energy requirements, customer service improvement, improvement in quality and reliability of supply, etc) ;
- (b) Capital Structure;
- (c) Capitalization Schedule;
- (d) Financing Plan;
- (e) Cost-benefit analysis; and
- (f) Improvement in operational efficiency envisaged in the control period, etc.

- (4) For the Annual Performance Review, the distribution licensee shall submit the actual capital expenditure incurred and capitalisation during the year under review along with the Annual Performance Review Filing.
- (5) The Commission shall review the actual capital expenditure incurred and capitalisation at the end of each year of the control period vis-à-vis the approved capital expenditure and capitalisation schedule. In the normal course, the Commission shall not revisit the approved capital investment plan (capital expenditure and capitalisation schedule) during the control period and adjustment to depreciation, interest on capital loan and return on equity for the actual capital expenditure incurred and capitalisation vis-à-vis approved capital investment plan (capital expenditure and capitalisation) shall be done at the end of the control period.
- (6) In case the capital expenditure is required for emergency work which has not been approved in the Capital Investment Plan, the licensee shall submit an application, containing all relevant information along with reasons justifying emergency nature of the proposed work, seeking approval by the Commission. The licensee shall take up the work prior to the approval of the Commission provided that the emergency nature of the scheme has been certified by its Board of Directors.

10. Quality of Supply and Customer Service.—The quality of supply and the customer service parameters shall be monitored as per the norms to be laid down by the Commission separately from time to time. For certain parameters as mentioned in regulation 34 of these regulations, the Commission shall monitor licensee's performance with respect to the targets specified.

11. True Up.—(1) The true up across various controllable and uncontrollable parameters shall be conducted as per principles stated below: -

- (2) Variation in revenue / expenditure on account of uncontrollable sales and power purchase shall be trued up every year. Truing-up shall be carried out based on the actual/audited information and prudence check by the Commission:

Provided that if such variations are large, and it is not feasible to recover in one year alone, the Commission may take a view to create a regulatory asset, as per the guidelines provided in clause 8.2.2 of the National Tariff Policy:

Provided further that the Commission, to ensure tariff stability, may include the trued-up costs in the subsequent control period's ARR instead of including in the year succeeding the relevant year of the control period.

- (3) For controllable parameters -

- (a) any surplus or deficit on account of O&M expenses shall be to the account of the licensee and shall not be trued up in ARR; and
- (b) at the end of the control period –
 - (i) the Commission shall review actual capital investment vis-à-vis approved capital investment.
 - (ii) depreciation and financing cost, which includes cost of debt including working capital (interest), cost of equity (return) shall be trued up on the basis of actual/ audited information and prudence check by the Commission.

- (4) Notwithstanding anything contained in these regulations, the gains or losses in the controllable items of ARR on account of *force majeure* factors shall be passed on as an additional charge or rebate in ARR over such period as may be mentioned in the order of the Commission.

12. Contingency Reserve.—(1) For maintaining tariff stability and passing the benefits achieved to the consumers under the multi year tariff framework via contingency reserve, the licensee shall create a contingency reserve at the beginning of the control period and the revenue surplus, if any, generated by the licensee in and up to FY 2010-11 shall be transferred to contingency reserves at the beginning of the control period.

- (2) The licensee shall maintain separate accounts in their books and reflect the balance in the contingency reserve account in the balance sheet. There shall be yearly additions and draws to/from these contingency reserve account based on the annual review and performance of the licensee.
- (3) Fund under contingency reserve shall be kept in a separate bank account and shall be effectively invested and managed to earn returns based on market conditions ensuring adequate liquidity. This fund shall not be utilized for speculative purposes. The use of these funds in any other manner shall be only with the prior approval of the Commission.

PART-III

PRINCIPLES FOR DETERMINATION OF AGGREGATE REVENUE REQUIREMENT (ARR)

13. ARR for Distribution Business.—The aggregate revenue requirement of the distribution licensees for each year of the control period shall contain the following items: -

- (a) cost of power procurement including own generation;
- (b) transmission and load dispatch charges;
- (c) operation and maintenance expenses;
- (d) financing cost which includes cost of debt including working capital (interest), cost of equity (return);
- (e) depreciation;
- (f) income tax;

Less:

- (i) non-tariff income;
- (ii) cross subsidy surcharge and additional surcharge; and
- (iii) income from other business.

14. Cost of Power Procurement.—(1) The licensee shall forecast sales for each customer category and sub-categories for all years of the control period in their business plan filings, for the Commission's review and approval. The approved category-wise sales forecast shall be applied alongwith distribution loss trajectory for estimating the licensees' power procurement requirement for each year of the control period.

- (2) The distribution licensee shall be allowed to recover the cost of power it procures from sources approved by the Commission, viz. intra-State and inter-State trading

licensees, bilateral purchases, bulk suppliers, State generators, independent power producers, Central generating stations, renewable and co generation sources, generation business of the distribution licensee and others, assuming maximum normative rebate available from each source for payment of bills through letter of credit on presentation of bills in accordance with the tariffs approved from time to time by the Appropriate Commission for supply to consumers of retail supply business:

Provided that the distribution licensee shall propose the cost of power procurement taking into account the fuel adjustment formula specified for the generating stations and net revenues through bilateral exchanges and unscheduled interchange (UI) transactions:

Provided further that where the licensee utilises a part of the power purchase approved or bulk supply allocated or contracted for the retail supply business for its trading business, the distribution licensee shall provide an allocation statement clearly specifying the cost of power purchase that is attributable to such trading activity.

- (3) While approving the cost of power purchase, the Commission shall determine the quantum of power to be purchased from various sources in accordance with the principles of merit order schedule and despatch based on a ranking of all approved sources of supply in the order of their variable cost of power purchase. All power purchase costs will be considered legitimate unless it is established that the merit order principle has been materially violated or power has been purchased at unreasonable rates.
- (4) The renewable purchase obligation of the distribution licensee will be as per the relevant regulations made by the Commission.

15. Distribution Losses.—(1) The target distribution loss levels for the State to be achieved by the distribution licensees at the end of control period and year-wise loss reduction trajectory for the control period shall be fixed for the distribution licensee in the multi year tariff order:

Provided that profits arising from achieving loss level better than specified in the loss reduction trajectory for the State shall be shared in the ratio of 60:40 with the licensee and the contingency reserve:

Provided further that any financial loss on account of under performance with respect to distribution loss targets shall be to the licensee's account.

- (2) The licensee shall propose circle-wise baseline distribution loss levels and loss reduction trajectory for each year of the control period. The Commission shall examine the filings made by the licensee for the distribution loss trajectory for each year of the control period and approve the same with modification as it may consider necessary.
- (3) The distribution licensee shall also propose voltage-wise losses for each year of the control period for the determination of voltage-wise cost of supply and determination of voltage-wise wheeling tariff. The Commission shall examine the filings made by the licensee for the voltage wise distribution loss trajectory for each year of the control period and approve the same with modification as it may consider necessary.

16. Transmission and Load Despatch Charges.—The Distribution Licensee shall be allowed to recover net transmission and load despatch charges payable to the Transmission Licensees (Central Transmission Utility, State Transmission Utility etc.) and System Operators (Regional Load Despatch Centre, State Load Despatch Centre etc.) for access to and use of the interstate transmission system, intra-state transmission system and availing load despatch services assuming maximum normative rebate available from each source for payment of bills through letter of credit on presentation of bills in accordance with the tariffs approved from time to time by the Appropriate Commission.

17. Operation and Maintenance (O&M) Expenses.—(1) Operation and Maintenance (O&M) expenses shall include: -

- (a) salaries, wages, pension contribution and other employee costs;
 - (b) administrative and general expenses;
 - (c) repairs and maintenance expenses; and
 - (d) other miscellaneous expenses, statutory levies and taxes (except corporate income tax).
- (2) The distribution licensee shall submit the O&M expenses for the control period as laid down in the multi year tariff filing procedure. The O&M expenses for the base year shall be approved by the Commission taking into account the latest available audited accounts, business plan filed by the distribution licensee, estimates of the actuals for the base year, prudence check and any other factors considered appropriate by the Commission.
- (3) The O&M expenses for the nth year of the control period shall be approved based on the formula given below:-

$$O\&M_n = (R\&M_n + EMP_n + A\&G_n)$$

Where -

$$R\&M_n = K * GFA_{n-1}$$

$$EMP_n = (EMP_{n-1}) * (1 + G_n) * (CPI_{inflation})$$

$$A\&G_n = (A\&G_{n-1}) * (WPI_{inflation})$$

‘K’ is a constant (could be expressed in %). Value of K for each year of the Control period shall be determined by the Commission in the MYT Tariff order based on Licensee’s filing, benchmarking of R&M Expenses, approved R&M Expenses vis-à-vis GFA approved by the Commission in past and any other factor considered appropriate by the Commission;

$CPI_{inflation}$ – is the average increase in the Consumer Price Index (CPI) for immediately preceding five years before the base year;

$WPI_{inflation}$ – is the average increase in the Wholesale Price Index (CPI) for immediately preceding five years before the base year;

EMP_n – employee costs of the distribution licensee for the nth year;

$A\&G_n$ – administrative and general costs of the distribution licensee for the nth year;

$R\&M_n$ – repair and maintenance costs of the distribution licensee for the nth year;

GFA_{n-1} – Gross Fixed Asset of the distribution licensee for n-1th year;

G_n is a growth factor for nth year. Value of G_n shall be determined by the Commission in the MYT tariff order for meeting the additional manpower requirement based on licensee's filings, benchmarking, approved cost by the Commission in past and any other factor that the Commission feels appropriate:

Provided that R&M expenses determined shall be utilised towards R&M works only.

18. Asset Base.—(1) The Commission shall determine the asset base for each year of the control period at the beginning of the control period, which shall be-

Sum of -:

- (a) The asset base of the base year as determined by the Commission, considering the most recent audited accounts, estimates of actuals during the base year checked for prudence and any other factors considered appropriate by the Commission, and
- (b) Proposed capitalisation during the year, checked for prudence covering
 - (i) schemes for which Commission's approval has been granted,
 - (ii) schemes which have been submitted for Commission's approval, and
 - (iii) schemes not requiring Commission's approval; and

Less:

Assets proposed to be retired during the year.

- (2) The interest on loan capital and return on equity shall be computed on the financing of the cost of the schemes included in the asset base.

19. Debt-Equity Ratio.—For the purpose of determination of the tariff, the equity and outstanding debt shall be determined for the base year by the Commission taking into consideration the licensee's proposals, previous years debt-equity details and other relevant factors. However, for any fresh capitalisation of assets, the Commission shall apply a debt-equity ratio of 70:30 on the capitalized amount as approved by the Commission for each year of the control period:

Provided that where equity employed is in excess of 30%, the amount of equity for the purpose of tariff shall be limited to 30% and the balance amount shall be considered as loan. The interest rate applicable on the equity in excess of 30% treated as loan has been specified in regulation 21. Where actual equity employed is less than 30%, the actual equity shall be considered.

20. Return on Equity.—Return on equity for the distribution licensee (sum of return on equity for wheeling business and return on retail supply business) shall be computed on the paid up equity capital determined in accordance with regulation 19 and shall be 16% per annum (post tax):

Provided that return on equity invested in work in progress shall be allowed from the date of commercial operation.

21. Interest and Finance Charges.—(1) Interest and finance charges on loan capital shall be computed on the outstanding loans, duly taking into account the schedule of repayment, and the interest rate, in accordance with the terms and conditions of relevant agreements of loan, bond or non-convertible debentures. Exception can be made for the existing or past loans which may have different terms as per the agreements already executed if the Commission is satisfied that the loan has been contracted for and applied to identifiable and approved projects. For the purpose of tariff determination, the outstanding debt at the end of each year of the control period shall be taken as—

Outstanding debt at the end of nth year = Outstanding debt at the end of (n-1)th year + (plus) sum of amount of debt related to assets capitalized under each investment scheme during nth year – (minus) debt repaid during nth year;

For the first year of the control period, (n-1)th year shall be the base year;

Amount of debt related to assets capitalized under an investment scheme during nth year = (70% or actual, whichever is higher) X (multiply) (amount of capitalisation approved by the Commission for such scheme in nth year):

Provided that all loans considered for this purpose shall be identified with the assets created:

Provided further that the interest and finance charges of re-negotiated loan agreements shall not be considered, if they result in higher charges:

Provided further that the interest and finance charges on works in progress shall be excluded and shall be considered as part of the capital cost:

Provided further that neither penal interest nor overdue interest shall be allowed for computation of aggregate revenue requirement.

- (2) The interest rate on the amount of equity in excess of 30% treated as notional loan shall be the weighted average rate of the loans of the respective years and shall be further limited to the rate of return on equity specified in these regulations.
- (3) In case any moratorium period is availed of in any loan, depreciation provided for in the tariff during the years of moratorium shall be treated, as repayment during those years and interest on loan capital shall be calculated accordingly.
- (4) The distribution licensee shall make every effort to refinancing the loan as long as it results in net benefit to the consumers. The cost associated with such refinancing shall be borne by the consumers and any benefit on account of refinancing of loan and interest on loan shall be shared in the ratio 50:50 between the licensee and the contingency reserve. The licensee shall submit the calculation of such benefit to the Commission for its approval.

22. Interest Charges on Working Capital.—Rate of interest on working capital to be computed as provided hereinafter in these regulations shall be on normative basis and shall be equal to the Short-Term Prime Lending Rate of the State Bank of India as on April 1 of the relevant year. The interest on working capital shall be payable on normative basis notwithstanding that the licensee has not taken working capital loan from any outside agency or has exceeded the working capital loan based on the normative figures. The Commission shall calculate working capital requirement for wheeling business as mentioned in regulation 30 and retail supply business as mentioned in regulation 32 to arrive at working capital requirement of distribution licensee.

23. Depreciation.—(1) Depreciation shall be calculated for each year of the control period, on the amount of original cost of the fixed assets of the corresponding year:

Provided that depreciation shall not be allowed on assets funded by capital subsidies/grants:

Provided further that provision for replacement of such assets shall be made in the capital investment plan.

- (2) Depreciation for each year of the control period shall be determined based on the methodology as specified in these regulations alongwith the rates and other terms specified in the Appendix to these regulations.
- (3) Depreciation shall be calculated annually, based on the Straight Line Method, over the useful life of the asset. The base value for the purpose of depreciation shall be original cost of the asset.
- (4) The residual value of assets shall be considered as 10% and depreciation shall be allowed to a maximum of 90% of the original cost of the asset. Land is not a depreciable asset and its cost shall be excluded while computing 90% of the original cost of the asset.
- (5) Depreciation shall be charged from the first year of operation of the asset. In case, the operation of the asset is for a part of the year, depreciation shall be charged on a pro rata basis.
- (6) In addition to allowable depreciation, the distribution licensee shall be entitled to advance against depreciation (AAD), computed in the manner given hereunder: -

AAD = Loan (raised for capital expenditure) repayment amount based on loan repayment tenure, subject to a ceiling of 1/10th of loan amount minus depreciation as calculated on the basis of these regulations:

Provided that advance against depreciation shall be permitted only if the cumulative repayment upto a particular year exceeds the cumulative depreciation upto that year:

Provided further that advance against depreciation in a year shall be restricted to the extent of difference between cumulative repayment and cumulative depreciation upto that year:

- (7) On repayment of entire loan, the remaining depreciable value shall be spread over the balance useful life of the asset.

24. Corporate Income Tax.—(1) Income tax, if any, on the licensed business of the distribution licensee shall be treated as expense and shall be recoverable from consumers through tariff. However, tax on any income other than that through its licensed business shall not be a pass through, and it shall be payable by the distribution licensee itself.

- (2) Any under-recoveries or over-recoveries of tax on income shall be adjusted every year on the basis of income-tax assessment, under the Income Tax Act, 1961, as certified by the statutory auditors:

Provided further that the benefits of tax-holiday as applicable in accordance with the provisions of the Income Tax Act, 1961 shall be passed on to the consumers;

- (3) The income tax actually payable or paid shall be included in the ARR. The actual assessment of income tax should take into account benefits of tax holiday, and the credit for carry forward losses applicable as per the provisions of the Income Tax Act, 1961 shall be passed on to the consumers.
- (4) Tax on income, if any, liable to be paid shall be limited to tax on return on equity. However, any tax liability on incentives due to improved performance shall not be considered.

25. Non-tariff Income.—(1) All incomes being incidental to electricity business and derived by the licensee from sources, including but not limited to profit derived from disposal of assets, rents, delayed payment surcharge, meter rent (if any), income from investments other than contingency reserves, miscellaneous receipts from the consumers excluding income to licensed business from the other business of the distribution licensee shall constitute non-tariff income of the licensee.

- (2) The amount received by the licensee on account of non-tariff income shall be deducted from the aggregate revenue requirement in calculating the net revenue requirement of such licensee.

26. Other Income of the Licensee.—Where the licensee is engaged in any other business, the income from such business will be calculated in accordance with the Himachal Pradesh Electricity Regulatory Commission (Treatment of Income of Other Businesses of Transmission Licensees and Distribution Licensees) Regulations, 2005 and shall be deducted from the aggregate revenue requirement in calculating the revenue requirement of the licensee:

Provided that the licensee shall follow a reasonable basis for allocation of all joint and common costs between the distribution business and the other business and shall submit the allocation statement, as approved by its Board of Directors, to the Commission alongwith his application for determination of tariff:

Provided further that where the sum total of the direct and indirect costs of such other business exceeds the revenues from such other business or for any other reason, no amount shall be allowed to be added to the aggregate revenue requirement of the licensee on account of such other business.

27. Net Aggregate Revenue Requirement.—(1) The net aggregate revenue requirement of the licensee eligible for recovery during each year of the control period shall be determined after deducting from the aggregate revenue requirement, the non-tariff income and other income, less: receipts on account of cross subsidy surcharge and additional surcharge from open access customers.

- (2) For determination of wheeling charges for open access customers, the ARR for the distribution licensee shall be segregated into ARR for wheeling business and ARR for retail supply business.

28. Aggregate Revenue Requirement (ARR) for Wheeling Business.—The ARR for the wheeling business of distribution licensees for each year of the control period, shall contain the following items: -

- (a) operation and maintenance expenses;

- (b) financing cost which includes cost of debt including working capital (interest), cost of equity (return);
- (c) depreciation;
- (d) income tax; and
- (e) interest on consumer security deposit.

Less:

- (i) non-tariff income; and
- (ii) income from other business.

29. Return on Equity for Wheeling Business.—Return on equity shall be computed on the paid up equity capital determined in accordance with regulation 19 and shall be 16% per annum (post tax):

Provided that return on equity, invested in work in progress, shall be allowed from the date of capitalisation.

30. Working Capital for Wheeling Business.—The Commission shall calculate the working capital requirement for the wheeling business containing the following components: -

- (a) O&M expenses for one month;
- (b) receivables for two months of the wheeling charges;
- (c) maintenance spares @ 40% of R&M Expenses for one month; and

Less :

consumer security deposit, if any.

31. Aggregate Revenue Requirement (ARR) for Retail Supply Business.—The ARR for the retail supply business of the distribution licensee, for each year of the control period, shall contain the following items;

- (a) cost of power procurement;
- (b) transmission and load dispatch charges;
- (c) operation and maintenance expenses;
- (d) financing cost which includes cost of debt including working capital (interest), cost of equity (return);
- (e) depreciation;
- (f) income tax; and
- (g) interest on consumer security deposit;

Less:

- (i) non-tariff income;
- (ii) income from other business; and
- (iii) receipts on account of cross subsidy surcharge and additional surcharge from open access customers.

32. Working Capital for Retail Supply Business.—Working capital for retail supply of electricity shall consist of -

- (a) O&M expenses for one month;
- (b) receivables for two months of revenue from sale of electricity;
- (c) maintenance spares @ 40% of R&M Expenses for one month;

Less:

- (i) power purchase costs for one month; and
- (ii) consumer security deposit, if any.

33. Income from Cross-Subsidy Surcharge and Additional Surcharge.—(1) The amount received or to be received by the licensee on account of crosssubsidy surcharge and additional surcharge, as approved by the Commission from time to time in accordance with the Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge and Phasing of Cross Subsidy) Regulations, 2006, shall be shown separately against the consumer category that is permitted open access as per the phasing plan.

- (2) Cross-subsidy surcharge and additional surcharge shall be shown as revenue from the tariff from the consumer categories permitted open access in accordance with the Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge and Phasing of Cross Subsidy) Regulations, 2006 and such amount shall be utilized to meet the cross-subsidy requirements of subsidised categories and fixed costs of the licensee arising out of his obligation to supply. The licensee shall provide such details in its annual filings.

34. Quality of Supply and Services.—(1) The quality of supply and the customer service parameters shall be monitored as per the norms specified by the Commission from time to time.

- (2) The licensee shall propose baseline and performance trajectory for quality parameters as specified in the Himachal Pradesh Electricity Regulatory Commission (Distribution Performance Standards) Regulation, 2010.
- (3) The Commission shall make an assessment on reliability of baseline data and may prescribe the performance trajectory for each identified parameter for the control period. The Commission shall develop a performance framework to encourage licensees to improve quality of supply and services.
- (4) The licensee shall submit the performance on each parameter in the form and manner directed by the Commission and the Commission shall conduct periodic reviews on the performance of the licensee with respect to quality parameters.

PART-IV

MULTI YEAR TARIFF FILING PROCEDURE

35. Multi-Year Filings for the control period.—(1) The multi year tariff filing shall be in such form and in such manner as has been specified by the Commission in these regulations and also as per the provisions of the Conduct of Business regulations.

- (2) The licensee shall also submit the multi year tariff filing in electronic format to the Commission.

36. Beginning of the control period - business plan filings.—The distribution licensee shall file, for the Commission's approval, on or before 30th November of the year, preceding the

first year of the control period, or any other date as may be directed by the Commission, a business plan approved by its Board of Directors/ Whole Time Directors. The business plan shall be for the entire control period and shall, interalia, contain: -

- (a) sales/demand forecast for each customer category and sub-categories for each year of the control period;
- (b) distribution loss reduction trajectory for each year of the control period;
- (c) collection efficiency for each year of the control period;
- (d) power procurement plan based on the sales forecast and distribution loss trajectory for each year of the business plan period; the power procurement plan may also include energy efficiency and demand side management measures;
- (e) capital investment plan: This shall take into account the sales/demand forecast, power procurement plan, distribution loss trajectory, targets for quality of supply, etc. The capital investment plan shall be consistent with the perspective plan drawn by the State Transmission Utility (STU), and shall include the corresponding capitalisation schedule and financing plan. The Commission shall approve capital investment plan of the licensees for the control period commensurate with load growth, distribution loss reduction and quality improvement proposed in the business plan;
- (f) the appropriate capital structure of each scheme proposed and cost of financing (interest on debt and return on equity), terms of the existing loan agreements, etc;
- (g) the Operation and Maintenance (O&M) costs estimated for the base year and two years prior to the base year with complete details, together with the forecast for each year of the control period based on the proposed efficiency in operating costs, norms for O&M cost allowance including indexation and other appropriate mechanism;
- (h) details of depreciation based on the useful life of the asset and capitalisation schedules for each year of the control period;
- (i) a set of targets proposed for other items such as collection efficiency, bad debts, working capital, quality of supply targets, etc. The targets shall be consistent with the capital investment plan proposed by the licensee;
- (j) proposals for other items such as external parameters used for indexation (inflation, etc);
- (k) other information: This shall include any other details considered appropriate by the distribution licensee for consideration during determination of tariff; and
- (l) the filings in addition to the control period data, shall also contain the data for the cost and revenue parameters for the last three years.

37. Annual Performance Review (APR) during the control period.—(1) The distribution licensee shall file an application for approval of wheeling tariff and retail supply tariff for each year of the control period, not less than 120 days before the commencement of the first year or subsequent year of the control period or such other date as may be directed by the Commission.

- (2) The wheeling tariff shall be determined for each year of the control period at the beginning of the control period. The licensee shall propose capacity based wheeling tariff. The licensee shall also indicate the distribution losses voltages wise to provide for adjustment of losses in the system.
- (3) The filings for wheeling tariff shall contain the following: -
 - (a) the distribution system or network usage forecast for each year of the control period, consistent with the business plan;

- (b) proposals for computation of tariffs for wheeling of electricity for each of the years of the control period, including the losses and the procedure thereof;
 - (c) proposals for non-tariff income, with item-wise description and details;
 - (d) proposals in respect of income from other businesses like consultancy services, convergence, training facilities, etc;
 - (e) proposed wheeling tariff (voltage-wise);
 - (f) expected revenue from the proposed wheeling tariff, including additional surcharge etc.
- (4) The filings for retail supply tariff shall contain the following: -
- (a) the licensee's proposal for retail sale of electricity for the consumers pertaining to retail supply business, which shall include energy sales, tariffs for each consumer category, slab-wise and voltage-wise. The proposed tariff may also be based on energy charges, demand charges, minimum charges, etc alongwith the tariff rationalization measures;
 - (b) proposal for power procurement quantum based upon energy sales and distribution losses, cost of power purchase, transmission and load despatch charges etc;
 - (c) proposals for non-tariff income with item-wise description and details;
 - (d) proposals in respect of income from other businesses like consultancy services, convergence, training facilities, etc;
 - (e) expected revenue from the proposed retail supply tariff, and other matters considered appropriate by the distribution licensee, including incentive schemes to consumers, cross-subsidy surcharge, etc.
- (5) Each tariff proposal submitted by the distribution licensee shall –
- (a) be supported with the principles of cost-of-service model allocating the costs of the licensed business to each category of consumers based on voltage-wise costs and losses, and
 - (b) demonstrate that the tariffs are progressively reflecting the cost of supply.
- (6) The licensee shall furnish to the Commission, such additional information, particulars and documents as the Commission may require from time to time after such filing of revenue calculations and tariff proposals.
- (7) The licensee shall publish, for the information of the public, the contents of the application in an abridged form in such manner as the Commission may direct and shall host the complete copy of the filing on its website and shall also provide copies of the documents filed with the Commission to any person at a price not exceeding normal photocopying charges.

38. Review during the control period.—(1) The distribution licensee shall submit information as part of annual review on actual performance vis-à-vis performance targets approved by the Commission at the beginning of the control period.

- (2) The distribution licensee shall submit the revised ARR and corresponding tariff adjustments 120 days before the commencement of the financial year. The revised estimates shall be required because of trued-up costs on account of uncontrollable variations, profit sharing mechanism for exceeding the targets, and implementation of performance framework for quality of supply targets.

39. Review at the end of the control period.—(1) Towards the end of the control period, the Commission shall review if the implementation of the principles laid down in these regulations has achieved their intended objectives. While doing this, the Commission shall take into account, among other things, the industry structure, sector requirements, consumer and other stakeholder expectations and the licensee's requirements at that point in time. Depending on the requirements of the sector to meet the objects of the Act, the Commission may revise the principles for the next control period.

- (2) The end of the control period shall be the beginning of the next control period and the licensee shall follow the same procedure, unless required otherwise by the Commission. The Commission shall analyse the performance of the licensee with respect to the targets set out at the beginning of the control period and based on the actual performance, expected efficiency improvements and other factors prevalent, determine the initial values for the next control period.

40. Disposal of Application.—(1) The Commission shall process the filings made by the distribution licensee in accordance with these regulations and the conduct of business regulations.

- (2) Based on the distribution licensees' filings, objections/suggestions from public and other stakeholders, the Commission may, within 120 days of the receipt of the application, complete in all respects, and after considering all suggestions and objections from public and other stakeholders, -
- (a) issue a tariff order with such modifications and/or such conditions, as may be deemed just and appropriate, containing inter alia targets for controllable items and the approved ARR for the wheeling business and the ARR for the retail supply business alongwith the wheeling charges and retail supply tariff for each year of the control period; or
- (b) reject the application for reasons to be recorded in writing if such application is not in accordance with the provisions of the Act and the rules and regulations made thereunder or the provisions of any other law for the time being in force.

41. Publication.—The distribution licensee shall publish the tariff approved by the Commission in the newspapers, having circulation in the area of supply, as the Commission may direct. The publication shall, besides such other things as the Commission may require, include a general description of the tariff changes and its effect on the classes of the consumers.

PART -V

SUBSIDY

42. Subsidy from the State Government.—(1) The State Government may, at any time as it considers to be appropriate, propose any subsidy to any class or classes of consumers in the tariff determined by the Commission and upon receiving such proposal, the Commission shall determine the amount to be paid as subsidy and the terms and conditions of such payment including the manner of payment of subsidy amounts by the State Government to the person affected by the decision of the subsidy.

- (2) While determining the tariff, the Commission shall take into account any subsidies, which the State Government had agreed to give to any class or classes of consumers.

- (3) The tariff determined by the Commission shall be published duly taking into account such subsidy offered by the State Government as on the date of the decision of the Commission.
- (4) Notwithstanding anything contained in these regulations, no direction of the State Government shall be operative if the payment is not made by the State Government in accordance with the provisions of section 65 of the act. In the event of such directions being not operative the amount of subsidy to be made by the State Government shall be added in the tariff to be charged by the licensee to the concerned class or classes of consumers.
- (5) The consequential orders which the Commission may issue to give effect to the subsidy that the State Government may provide shall not be construed as amendment of tariff notified. The licensee shall, however, give appropriate adjustments in the bills to be raised on the consumers for the subsidy amount in the manner the Commission may direct.
- (6) The bills to the consumers shall distinctively display the per unit cost of supply of electricity to the class of consumer as determined by the Commission, the subsidy, if any, given by the State Government applicable to such class of consumers and per unit amount of such subsidy, the bill amount payable by the consumer and the cross subsidization of the class of the consumer in the tariff made applicable without taking into account of subsidy from the State Government.
- (7) The licensee shall be required to furnish documents to the satisfaction of the Commission that the subsidy amount received by the licensee from the State Government is duly accounted for and utilized for the purpose for which the subsidy is given.

PART-VI

MISCELLANEOUS

43. Transitory provisions.—Notwithstanding anything to the contrary contained in these regulations –

- (a) the tariff order issued by the Commission for the control period ending on the 31st March, 2011 shall continue to operate; and
- (b) the proceedings (including review petition) for amendments, revocation, variation or alteration of the said tariff order shall continue to be filed and dealt with as if the repeated regulations in respect of the said tariff determination continue to be in force, and the provisions of these regulations shall not apply.

44. Issue of Orders and Practice Directions.—(1) Subject to the provision of the Act and these regulations, the Commission may, from time to time, issue orders and practice directions, prescribe formats in regard to the implementation of these regulations and procedure to be followed on various matters, which the Commission has been empowered by these regulations to direct, and matters incidental or ancillary thereto.

- (2) Notwithstanding anything contained in these regulations, the Commission shall have the authority, either suo motu or on a petition filed by any interested or affected person, to determine the tariff of any licensee.

45. Powers to remove difficulties.—In case of any difficulty in giving effect to any of the provisions of these regulations, the Commission may, either suo motu or on an application made to it, do or undertake to do things, or by general or special order direct the licensee to take suitable action, not being inconsistent with the Act, which appears to the Commission to be necessary or expedient for the purpose of removing the difficulty.

46. Power of Relaxation.—The Commission may, in public interest and for reasons to be recorded in writing, relax any of the provisions of these regulations.

47. Interpretation.—All issues arising in relation to the interpretation of these regulations shall be determined by the Commission and the decision of the Commission on such issues shall be final.

48. Saving of Inherent Powers of the Commission.—Nothing contained in these regulations shall limit or otherwise affect the inherent powers of the Commission from adopting a procedure, which is at variance with any of the provisions of these regulations, if the Commission, in view of the special circumstances of the matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient to depart from the procedure specified in these regulations.

49. Enquiry and Investigation.—All enquiries, investigations and adjudications under these regulations shall be done by the Commission in accordance with the provisions of the Conduct of Business regulations.

50. Repeal and Savings.—(1) The Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2007 are hereby repealed.

(2) Notwithstanding such repeal-

- (a) anything done or any action taken or purported to have been done or taken under the repealed regulations shall, in so far as it is not inconsistent with the provisions of these regulations, be deemed to have been done or taken under the corresponding provisions of the regulations;
- (b) the provisions concerning the tariff order made for the control period ending on the 31st March, 2011 and the provisions for conduct of proceedings (including review petitions) for its revocations, variation or alternation as stood before such repeal, shall continue to be in force.

By order of the Commission,
Sd/-
Secretary.

Appendix: Depreciation Schedule (see regulation 23)

S. No.	Asset Class	Useful Life (Year)	Rate %
1	Land owned under full title	Infinity	0
2	Land held under lease		
(A)	For investment in land	Period of lease or the period remaining unexpired on the assignment of the lease	0

(B)	For cost of clearing site	Period of lease remaining unexpired at the date of clearing the site	0
3	Assets Purchased New		
(A)	Buildings and civil engineering works of a permanent character, not mentioned above:		
(i)	Offices & showrooms	50	1.80
(ii)	Containing thermo- electric generating plant	25	3.60
(iii)	Containing hydro-electric generating plant	35	2.57
(iv)	Temporary erection such as wooden structures	5	18.00
(v)	Roads other than kutcha roads	50	1.80
(vi)	Others	50	1.80
(B)	Transformers, transformer (kiosk) substation equipment & other fixed apparatus (including plant foundations)		
(i)	Transformers (including foundations) having a rating of 100 kilo volt amperes and over	25	3.60
(ii)	Others	25	3.60
(C)	Switchgear, including cable connections	25	3.60
(D)	Lightning arrestors:		
(i)	Station type	25	3.60
(ii)	Pole type	15	6.00
(iii)	Synchronous condenser	35	2.57
(E)	Batteries	5	18.00
(F)	Underground cable including joint boxes and disconnected boxes	35	2.57
(G)	Cable duct system	50	1.80
(H)	Overhead lines including supports:		
(i)	Lines on fabricated steel operating at nominal voltages higher than 66 kV	35	2.57
(ii)	Lines on steel supports operating at nominal voltages higher than 11 kV but not exceeding 66 kV	25	3.60
(iii)	Lines on steel or reinforced concrete supports	25	3.60
(iv)	Lines on treated wood supports	25	3.60
(I)	Meters		
	Electro Mechanical	15	6.00
	Electronic	10	9.00
(J)	Self propelled vehicles	5	18.00
(K)	Air conditioning plants:		
(i)	Static	15	6.00
(ii)	Portable	5	18.00

(L)			
(i)	Office furniture and fittings	15	6.00
(ii)	Office equipments	15	6.00
(iii)	Internal wirings including fittings and apparatus	15	6.00
(iv)	Street Light fittings	15	6.00
(M)	Apparatus let on hire:		
(i)	Other than motors	5	18.00
(ii)	Motors	15	6.00
(N)	Communication equipment		
(i)	Radio and higher frequency carrier systems	15	6.00
(ii)	Telephone lines and telephones	15	6.00
(O)	Assets purchased in second hand and assets not otherwise provided for in the schedule	such reasonable period as the Commission determines in each case having regard to the nature, age and conditions of assets at the time of its acquisition by the owner	

श्रम एवं रोजगार विभाग

अधिसूचना

शिमला-171002, 4 मार्च, 2011

संख्या: श्रम(ए)4-2/2000.—हिमाचल प्रदेश की राज्यपाल, कारखाना अधिनियम, 1948 की धारा 8(2-ए) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, श्रम एवं रोजगार निदेशालय हिमाचल प्रदेश में, उप निदेशक (कारखाना) को उक्त अधिनियम के प्रयोजन के लिए “उप मुख्य निरीक्षकों” के रूप में उनकी अपनी अपनी अधिकारिता के भीतर नियुक्त करती है।

आदेश द्वारा,
हस्ताक्षरित /—
अतिरिक्त मुख्य सचिव, श्रम एवं रोजगार।

[Authoritative English text of this Department Notification No. Shram (A) 4-2/2000 dated 4th March, 2011 as required under clause (3) of Article 348 of the Constitution of India]

DEPARTMENT OF LABOUR & EMPLOYMENT.

NOTIFICATION

Shimla-171002 the 4th March, 2011

No.Shram (A)4-2/2000.—In exercise of powers conferred under Section 8 (2) A of the Factories Act, 1948, the Governor, Himachal Pradesh is pleased to appoint Deputy Director(Factories)in the department of Labour & Employment, Himachal Pradesh as “Deputy Chief Inspectors” within their respective jurisdiction for the purpose of said Act.

By order,
Sd/-
Additional Chief Secretary, (Lab. & Emp.).

MEDICAL EDUCATION DEPARTMENT**NOTIFICATION***Shimla-171002, the 19th January, 2011*

No. HFW-B(B)2-5/2010-Vol-I.—On the recommendation of Departmental Promotion Committee, the Governor, Himachal Pradesh is pleased to appoint Dr. Rameshwar Singh Negi (GDO)(designated Assistant Professor, Chest & TB, IGMC, Shimla) on promotion as Assistant Professor (Chest & TB) in IGMC, Shimla in the pay scale of Rs. 37400-67000+Rs. 8900/-grade pay on regular basis with immediate effect.

The above doctor shall be on probation for a period of two years.

The above doctor shall join his duties in IGMC, Shimla within 15 days from the issue of this order. In case the above doctor fails to join his duties on promotion at the place of his posting within the stipulated period, the above promotion order shall stand cancelled and it shall be presumed that the doctor concerned has foregone his regular promotion.

By order,

Sd/-

Principal Secretary (Health).

MEDICAL EDUCATION DEPARTMENT**NOTIFICATION***Shimla-171002, the 19th January, 2011*

No. HFW-B(B)2-8/2010.—On the recommendation of Departmental Promotion Committee, the Governor, Himachal Pradesh is pleased to appoint the following doctors (GDOs) on promotion as Assistant Professor in the pay scale of Rs. 37400-67000 + 8900 grade pay on regular basis in their respective specialties in Dr. RPGMC Kangra at Tanda under Medical Education department with immediate effect:-

Sr. No.	Name	Promoted as
1.	Dr. Monish Tomer, M.O. ZH /Dharmshala	Assistant Professor (Aneasthesia)
2.	Dr. Rashmi Kaul, Sr. Resident Pathology, IGMC, Shimla	Assistant Professor (Pathology)
3.	Dr. Muninder Kumar, Sr. Resident Regional Cancer Centre, IGMC, Shimla	Assistant Professor (Radiotherapy)
4.	Dr. Rekha Bansal, designated, A.P. Dr. RPGMC Kangra at Tanda .	Assistant Professor (Chest & TB)

The above doctors shall be on probation for a period of two years.

The above doctors shall join their duties at the place of their posting within 15 days from the issue of these orders. In case the above doctors fail to join their duties on promotion at the place of their posting within the stipulated period, the above promotion orders shall stand cancelled and it shall be presumed that the doctor concerned has foregone his regular promotion. The above doctors will be entitled for TTA/joining time as admissible under the rules.

By order,
Sd/-
Principal Secretary (Health).